

**STATE BOARD OF ELECTIONS
STATE OF ILLINOIS**

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Chicago, Illinois 60601-3232
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EXECUTIVE DIRECTOR
Rupert T. Borgsmiller

BOARD MEMBERS
Jesse R. Smart, Chairman
Charles W. Scholz, Vice Chairman
Harold D. Byers
Betty J. Coffrin
Ernest L. Gowen
William M. McGuffage
Bryan A. Schneider
Casandra B. Watson

AGENDA
State Board of Elections
Sitting as the Duly Authorized
State Officers Electoral Board
Friday, August 22, 2014
10:30 a.m.

James R. Thompson Center – Room 9-040
Chicago, Illinois
and via videoconference
2329 S. MacArthur Blvd.
Springfield, Illinois

Roll call.

1. Approval of the minutes from the July 21 meeting. (pgs.1-3)
2. Consideration of objections to Independent and New Party candidate petitions for the November 4, 2014 General Election;
 - a. *Sherman v. Hawkins & Kusch*, 14SOEBGE506; (pgs.4-11)
 - b. *Atsaves & Gale v. Hawkins & Kusch*, 14SOEBGE511; (pgs.12-20)
 - c. *Carruthers v. Dill*, 14SOEBGE510; (pgs.21-33)
 - d. *Atsaves & Gale v. Oberline, et al.*, 14SOEBGE514; (pgs.34-49)
 - e. *Atsaves & Gale v. Grimm, et al.*, 14SOEBGE515; (pgs.50-158)
 - f. *Yarbrough v. Lopez, et al.*, 14SOEBGE516; (pgs.159-220)
 - g. *Compton v. Shepherd*, 14SOEBGE518; (pgs.221-238)
 - h. *Flores v. Ward*, 14SOEBGE519; (pgs.239-270)
 - i. *Pavelonis v. Tripp*, 14SOEBGE520. (pgs.271-287)
3. Recess the State Officers Electoral Board until Monday, September 15, 2014 at 10:30 a.m. or call of the Chairman, whichever occurs first.

STATE OFFICERS ELECTORAL BOARD
Special Meeting
Monday, July 21, 2014

MINUTES

PRESENT:

Jesse R. Smart, Chairman
Charles W. Scholz, Vice Chairman
Harold D. Byers, Member
Betty J. Coffrin, Member
Ernest L. Gowen, Member
William M. McGuffage, Member
Bryan A. Schneider, Member
Casandra B. Watson, Member

ALSO PRESENT:

Rupert Borgsmiller, Executive Director
James Tenuto, Assistant Executive Director
Steve Sandvoss, General Counsel
Amy Calvin, Administrative Assistant II

The meeting of the State Officers Electoral Board was called to order via videoconference with the Chicago office at 10:31 a.m. Seven Members were present in Springfield and Member Watson was present in Chicago.

Vice Chairman Scholz moved to approve the minutes from the June 17 and July 7 meetings as presented. Member Coffrin seconded the motion which passed unanimously.

The General Counsel presented an objection to a resolution to fill a vacancy in nomination for the November 4, 2014 General Election for Agenda item 2.a, *Peterson v. Kolber*, 14SOEBGE505. He reviewed the matter and concurred with the hearing officer recommendation that the objection be overruled, the motion to strike and dismiss be granted and the candidate be certified to the general election ballot. The General Counsel agreed with the opinion of the hearing officer that the proxy voting by the individuals who were authorized by the members of the Congressional committee was proper and the proxy chairing of the meeting by the person designated by the Chairman was proper as well. Furthermore, the nominating documents required to be filed were in compliance with the requirements of the Election Code, the nomination was proper and the vacancy was filled within the statutory time frame.

James Nally was present on behalf of the candidate and agreed with the recommendation. Andrew Finko was present on behalf of the objector and did not agree with the recommendation. He first argued that the hearing officer erred by converting the Candidate's Motion to Strike into a Motion for Summary Judgment. He then argued that the Congressional committee was not properly constituted and the proxy chairing and voting on the nomination was not in compliance with the cited provisions of the Election Code. He asked that the objection be sustained. Discussion ensued between the parties regarding the applicability of the by-laws of the republican party in this matter. The General Counsel noted that the affidavits were properly considered, and that the Objector could have but did not request subpoenas for any of the persons involved. In addition, he noted that all evidence was considered at the hearing. Vice Chairman Scholz moved to adopt the recommendation of the General Counsel to overrule the objection and certify the candidate to the ballot. Member Coffrin seconded the motion which passed by roll call vote of 8-0.

Next was consideration of objections to independent and new party candidate petitions for the November 4, 2014 General Election. The General Counsel presented Agenda item 3.a, *Sherman v. Davis*, 14SOEBGE507 and 3.c, *Atsaves & Gale v. Davis*, 14SOEBGE512. He concurred with the hearing officer recommendation that the objections be sustained based on a lack of sufficient number of signatures (candidate submitted one signature on each petition). Roger Davis was present and said he felt that he did not need a minimum number of signatures to be on the ballot and disputed the state's ability to establish a signature requirement for federal office. Member Schneider moved to adopt the recommendation of the General Counsel to sustain the objection for Agenda item 3.a and not certify the candidate to the ballot. Member McGuffage seconded the motion which passed by roll call vote of 7-0. Vice Chairman Scholz recused himself from the matter. Member Schneider moved to adopt the recommendation of the General Counsel to sustain the objection for Agenda item 3.c and not certify the candidate to the ballot. Member McGuffage seconded the motion which passed by roll call vote of 7-0. Vice Chairman Scholz recused himself from the matter.

The General Counsel presented Agenda items 3.b & d, *Sherman v. Moore & Bourland*, 14SOEBGE508 and *Atsaves & Gale v. Moore & Bourland*, 14SOEBGE513 and concurred with the hearing officer recommendation that the objections be sustained based on a lack of sufficient number of signatures. Caroline Bourland was present and indicated she did not give permission for her name to appear on the nominating petition. The General Counsel verified that a written letter was received from Ms. Bourland indicating same. Gregg Moore was present as well and indicated he did not agree with the recommendation. Member Schneider moved to adopt the recommendation of the General Counsel to sustain the above objections and not certify the candidates to the ballot. Vice Chairman Scholz seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented Agenda item 3.e, *Allen v. Samuels*, 14SOEBGE517 and concurred with the hearing officer recommendation that the objection be sustained based on a lack of sufficient number of signatures. Vice Chairman Scholz moved to adopt the recommendation of the General Counsel to sustain the objection and not certify the candidate to the ballot. Member Byers seconded the motion which passed by roll call vote of 8-0.

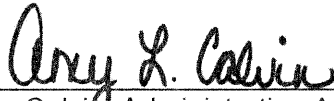
The General Counsel presented subpoena requests for Agenda items 4.a, b & d: *Atsaves & Gale v. Oberline*, 14SOEBGE514; *Atsaves & Gale v. Grimm*, 14SOEBGE515; and *Flores v. Ward*, 14SOEBGE519 and recommended the requests be granted. Member Schneider moved to grant the subpoena requests in those matters. Member Byers seconded the motion which passed by roll call vote of 8-0.

The General presented a subpoena request for Agenda item 4.c, *Yarbrough v. Lopez*, 14SOEBGE516 and concurred with the hearing officer recommendation to grant the requests for subpoenas to the various election authorities and deny the request for the appearance of Karen Yarbrough since the basis of the candidate's request is irrelevant to the proceedings. Andrew Finko was present on behalf of the candidate and said the subpoena to request the appearance of Ms. Yarbrough should be granted in order to hear her testify as to her review of candidate's petition and preparation of her objector's petition. Mike Kasper was present on behalf of the objector and said the appearance of his client should not be granted because it was unnecessary and constituted harassment. He also offered to enter into a stipulation that would provide all the information Mr. is seeking. After discussion, Member Schneider moved to adopt the recommendation of the General

Counsel to grant the subpoena requests to the election authorities and deny the subpoena requesting the appearance of the objector and her documents. Member Gowen seconded the motion which passed by roll call vote of 8-0.

With there being no further business before the State Officers Electoral Board, Vice Chairman Scholz moved to recess until August 22, 2014 at 10:30 a.m. Member Byers seconded the motion which passed unanimously. The meeting recessed at 11:45 a.m.

Respectfully submitted,



Amy Calvin, Administrative Assistant II



Rupert Borgsmiller, Executive Director

**Sherman v. Hawkins/Kusch
14 SOEB GE 506**

Candidate: Michael W Hawkins/Kimberly a Kusch

Office: Governor/Lt Governor

Party: Independent

Objector: Robert I Sherman

Attorney for Objector: Pro se

Attorney for Candidate: Pro se

Number of Signatures Required: 25,000

Number of Signatures Submitted: 2

Number of Signatures Objected to: N/A

Basis of Objection: Failure to submit a sufficient number of valid signatures to qualify for the office sought as an independent candidate.

Dispositive Motions: Candidate filed a Motion to Dismiss.

Binder Check Necessary: No

Hearing Officer: Phil Krasny

Hearing Officer Findings and Recommendation: Based on the failure to submit a sufficient number of valid signatures, the objection should be sustained, and the candidate should not be certified for the 2014 General Election ballot. In addition, the Candidate's Constitutional challenge was not considered by the Hearing Officer, as he (and the Electoral Board) lack the authority to address such challenges. The Candidate's claim that the objection should be dismissed due to the failure of the Objector to appear should be dismissed as well, as the Objector did appear at all scheduled hearings, including the initial case management conference.

Recommendation of the General Counsel: I concur with the recommendation of the Hearing Officer.

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO
NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO OFFICE IN THE STATE
OF ILLINOIS

LOU ATSAVES and GARY GALE,)	
)	
Petitioners/Objectors,)	
)	
Vs.)	
)	
MICHAEL HAWKNS and KIMBERLY)	
KUSCH	)	No. 2014-S0EB GE 511
Respondents/Candidates.)	
)	

ROBERT SHERMAN ,)	
)	
Petitioner/Objector,)	
)	
Vs.)	
)	
MICHAEL HAWKNS and KIMBERLY)	
KUSCH	)	No. 2014-S0EB GE 506
Respondents/Candidates.)	
)	

RECCOMENDATION^S AND FINDING^S

PROCEDURAL HISTORY

The Respondents/Candidates seek to have their names appear on the November 4, 2014 General Election for Governor and Lieutenant Governor. To be placed on the ballot the Respondents/Candidates need to submit nominating petitions containing a minimum of 25,000 signatures of qualified voters (10 ILCS 5/1 0-2). The Respondents/Candidates' nominating Petition included 2 signatures.

The Petitioners/Objectors filed their respective petitions objecting to Respondents/Candidates appearing on the ballot. In their petitions, the Petitioners/Objectors allege, inter alia, that Respondents/Candidates failed to file sufficient signatures.

On July 7, 2014, the Electoral Board appointed Philip Krasny as the hearing officer to conduct a hearing on the objections to the nominating petitions and present recommendations to the Electoral Board

An initial case management conference was held on July 7, 2014 and was attended by Robert Sherman, pro se Objector, and John Fogarty, on behalf of Objectors Atsaves and Gale. The Candidate, Michael Hawkins, notified the Board that, because of illness, he was unable to appear. Accordingly, Mr. Hawkins appearance was waived.

At the case management conference, the parties were given time to file motions and requests for issuance of subpoenas.

The Candidates/Respondents thereafter filed several documents, including documents that can be construed as a motion to dismiss based upon constitutional grounds. He also filed a motion to dismiss the Petitions, alleging that the Objectors failed to appear at the July 7, 2014

On July 30, 2014, a consolidated hearing on the objections to the nominating petitions was conducted at the State Board of Elections in Chicago. At the hearing the Candidate, Michael Hawkins, appeared telephonically. Over the Candidate's objection, the hearing officer allowed Robert Sherman, pro se Objector, and John Fogarty, representative on behalf of Objectors Atsaves and Gale, to appear telephonically as well.

ANALYSIS

MOTIONS

The Candidates' motion to dismiss raises both constitutional and procedural issues. As regards the constitutional aspect to the motion, the Candidates allege that the disparity between the number of signatures needed to be filed as an Independent Candidate (25,000) and the number of signatures needed to be filed by candidates of an established party (\$5,000) constitutes unfair and unequal treatment. This, in turn, violates the constitutional requirement that all elections be free and equal.

The procedural basis of the Candidates/Respondents motion to dismiss pertains to the alleged failure of the Objectors and/or their representatives to appear on July 7, 2014 before the Electoral Board.

As regards the Candidates' constitutional arguments, the case law clearly states that administrative agencies have no authority to declare statutes unconstitutional or even to question their validity. *Goodman v Ward*, 241 Ill 2d 398, 411 (2011). Accordingly, your hearing officer

makes no recommendations on the constitutional arguments advanced by the Candidates/Respondents.

As regards, the procedural aspect of the Candidates' motion, the Candidate was advised that both Robert Sherman, pro se Objector, and John Fogarty, representative of behalf of Objectors Atsaves and Gale, were present on July 7, 2014.

HEARING

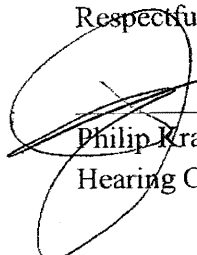
At the hearing, Candidate Hawkins acknowledged that he failed to file 25,000 signatures. However, he indicated that, like candidates, all objectors should be required to file Statements of Economic Interest when filing an Objector's Petition.

RECCOMENDATION

1) Since both Robert Sherman, pro se Objector, and John Fogarty, representative on behalf of Objectors Atsaves and Gale, were present on July 7, 2014 hearing, it is recommended that the Candidates motion to dismiss be denied.

2) Since Respondent/Candidate acknowledges that he has failed to file the requisite 25,000 signatures to appear on the ballot, it is your hearing officer recommendation that the Respondents/Candidates names not appear on the November 4, 2014 ballot.

Respectfully Submitted


Philip Krasny
Hearing Officer

7/31/14

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STATE BD OF ELECTIONS
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State of Illinois)
) SS.
County of Cook)

**Before the Duly Constituted Electoral Board for the Hearing and
Passing Upon of Objections to Nomination Papers of Independent
Candidates for the Offices of Governor and Lieutenant Governor for
the State of Illinois**

Objections of Robert I. Sherman to the Nomination Papers of Independent Candidates Michael W. Hawkins and Kimberly A. Kusch for Election to the Offices of Governor and Lieutenant Governor for the State of Illinois, to be voted for at the General Election to be Held on November 4, 2014

Verified Objector's Petition

Robert I. Sherman, residing and registered to vote at 778 Stonebridge Lane, Buffalo Grove, Illinois (hereinafter referred to as “Objector”) states that the Objector’s address is as stated, that the Objector is a legal voter of the State of Illinois, and that the Objector’s interest in filing the following objections is that of a citizen desirous of seeing that the election laws governing the filing of nomination papers for Independent candidates for the offices of Governor and Lieutenant Governor for the State of Illinois are properly complied with. Therefore, the Objector makes the following objections to the nomination papers of Michael W. Hawkins and Kimberly A. Kusch as Independent candidates for the offices of Governor and Lieutenant Governor for the

State of Illinois, to be voted for at the General Election to be held on November 4, 2014 (hereinafter referred to as the "Nomination Papers").

The Objector states that said Nomination Papers are insufficient in fact and law for the following reasons:

1. Pursuant to Illinois law, nomination papers for Independent candidates for the offices of Governor and Lieutenant Governor for the State of Illinois, to be voted for at the General Election to be held on November 4, 2014, must contain the true signatures of not fewer than 25,000 qualified and duly registered legal voters of the State of Illinois. In addition, said Nomination Papers must truthfully allege that the candidates are qualified for the offices they seek, be gathered and presented in the manner provided for in the Illinois Election Code, and otherwise must be executed in the form provided by law. The Nomination Papers herein purport, on their face, to contain far fewer than 25,000 signatures of such voters, but purport to truthfully allege that the candidates are qualified for the offices they seek and purport to have been gathered, presented and executed in the manner required by the Illinois Election Code.
2. The candidate herein, Kimberly A. Kusch, has not timely filed a Statement of Economic Interests pursuant to the Illinois Governmental Ethics Act in relation to the office she seeks with the Illinois Secretary of State as required by the Illinois Election Code.
3. The Nomination Papers do not contain, nor have the candidates timely filed with the State Board of Elections, the original or a copy of a receipt for the filing of a Statement of Economic Interests showing that such Statement was timely filed with the Secretary of State as required by the Illinois Election Code.
4. Because of the above alleged deficiencies regarding the filing of the Statement of Economic Interests and its receipt, which are contrary to Illinois law and are violative of Illinois law, the Nomination Papers are invalid in their entirety.
5. Because the Nomination Papers contain fewer than the statutory minimum number of 25,000 validly collected and presented signatures of qualified and duly registered legal voters of the State of Illinois, the Nomination Papers are invalid in their entirety.

Wherefore, the Objector requests a hearing on the Objections set forth herein, an examination by the aforesaid Electoral Board (or its duly appointed agent or agents) of the official precinct registers and binders relating to voters in the State of Illinois (to the extent that such examination is pertinent to any of the matters alleged herein), a ruling that the Nomination Papers are insufficient in law and fact, and a ruling that the names of Michael W. Hawkins and Kimberly A. Kusch **shall not appear** on the ballot as Independent candidates for the offices of Governor and Lieutenant Governor for the State of Illinois, to be voted for at the General Election to be held on November 4, 2014.

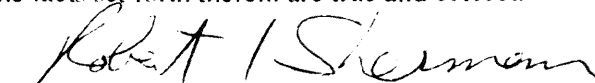


Robert I. Sherman

Objector

VERIFICATION

The undersigned, being first duly sworn upon oath, states that he has read the foregoing Objector's Petition and to the best of his knowledge and belief the facts set forth therein are true and correct.

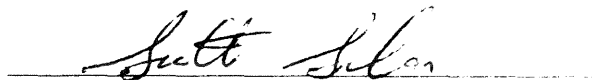


Robert I. Sherman

Objector

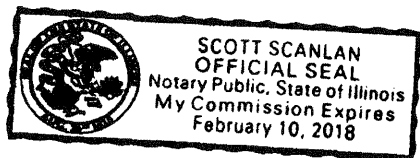
Subscribed and sworn to before me by Robert I. Sherman

this 25 day of June, 2014.



NOTARY PUBLIC

(SEAL)



Sherman v. Hawkins and Kusch

Objector *Pro Se*

Objector *Pro Se*

Robert I. Sherman

P.O. Box 7410

Buffalo Grove, Illinois 60089

Telephone: (847) 870-0700

Email: rob@robsherman.com

**Atsaves/Gale v. Hawkins/Kusch
14 SOEB GE 511**

Candidate: Michael W Hawkins/Kimberly a Kusch

Office: Governor/Lt Governor

Party: Independent

Objector: Lou Atsaves/Gary Gale

Attorney for Objector: Pro se

Attorney for Candidate: Pro se

Number of Signatures Required: 25,000

Number of Signatures Submitted: 2

Number of Signatures Objected to: N/A

Basis of Objection: Failure to submit a sufficient number of valid signatures to qualify for the office sought as an independent candidate.

Dispositive Motions: Candidate filed a Motion to Dismiss raising both Constitutional and procedural challenges.

Binder Check Necessary: No

Hearing Officer: Phil Krasny

Hearing Officer Findings and Recommendation: Based on the failure to submit a sufficient number of valid signatures, the objection should be sustained, and the candidate should not be certified for the 2014 General Election ballot. In addition, the Candidate's Constitutional challenge was not considered by the Hearing Officer, as he (and the Electoral Board) lacks the authority to address such challenges. The Candidate's claim that the objection should be dismissed due to the failure of the Objector to appear should be dismissed as well, as the Objector did appear at all scheduled hearings, including the initial case management conference.

Recommendation of the General Counsel: I concur with the recommendation of the Hearing Officer.

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO
NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO OFFICE IN THE STATE
OF ILLINOIS

LOU ATSAVES and GARY GALE,)	
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Petitioners/Objectors,)	
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MICHAEL HAWKNS and KIMBERLY)	
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)	

RECCOMENDATION^S AND FINDING^S

PROCEDURAL HISTORY

The Respondents/Candidates seek to have their names appear on the November 4, 2014 General Election for Governor and Lieutenant Governor. To be placed on the ballot the Respondents/Candidates need to submit nominating petitions containing a minimum of 25,000 signatures of qualified voters (10 ILCS 5/1 0-2). The Respondents/Candidates' nominating Petition included 2 signatures.

The Petitioners/Objectors filed their respective petitions objecting to Respondents/Candidates appearing on the ballot. In their petitions, the Petitioners/Objectors allege, inter alia, that Respondents/Candidates failed to file sufficient signatures.

On July 7, 2014, the Electoral Board appointed Philip Krasny as the hearing officer to conduct a hearing on the objections to the nominating petitions and present recommendations to the Electoral Board

An initial case management conference was held on July 7, 2014 and was attended by Robert Sherman, pro se Objector, and John Fogarty, on behalf of Objectors Atsaves and Gale. The Candidate, Michael Hawkins, notified the Board that, because of illness, he was unable to appear. Accordingly, Mr. Hawkins appearance was waived.

At the case management conference, the parties were given time to file motions and requests for issuance of subpoenas.

The Candidates/Respondents thereafter filed several documents, including documents that can be construed as a motion to dismiss based upon constitutional grounds. He also filed a motion to dismiss the Petitions, alleging that the Objectors failed to appear at the July 7, 2014

On July 30, 2014, a consolidated hearing on the objections to the nominating petitions was conducted at the State Board of Elections in Chicago. At the hearing the Candidate, Michael Hawkins, appeared telephonically. Over the Candidate's objection, the hearing officer allowed Robert Sherman, pro se Objector, and John Fogarty, representative on behalf of Objectors Atsaves and Gale, to appear telephonically as well.

ANALYSIS

MOTIONS

The Candidates' motion to dismiss raises both constitutional and procedural issues. As regards the constitutional aspect to the motion, the Candidates allege that the disparity between the number of signatures needed to be filed as an Independent Candidate (25,000) and the number of signatures needed to be filed by candidates of an established party (\$5,000) constitutes unfair and unequal treatment. This, in turn, violates the constitutional requirement that all elections be free and equal.

The procedural basis of the Candidates/Respondents motion to dismiss pertains to the alleged failure of the Objectors and/or their representatives to appear on July 7, 2014 before the Electoral Board.

As regards the Candidates' constitutional arguments, the case law clearly states that administrative agencies have no authority to declare statutes unconstitutional or even to question their validity. *Goodman v Ward*, 241 Ill 2d 398, 411 (2011). Accordingly, your hearing officer

makes no recommendations on the constitutional arguments advanced by the Candidates/Respondents.

As regards, the procedural aspect of the Candidates' motion, the Candidate was advised that both Robert Sherman, pro se Objector, and John Fogarty, representative of behalf of Objectors Atsaves and Gale, were present on July 7, 2014.

HEARING

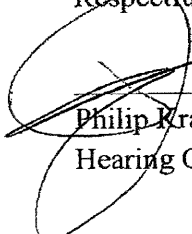
At the hearing, Candidate Hawkins acknowledged that he failed to file 25,000 signatures. However, he indicated that, like candidates, all objectors should be required to file Statements of Economic Interest when filing an Objector's Petition.

RECCOMENDATION

1) Since both Robert Sherman, pro se Objector, and John Fogarty, representative on behalf of Objectors Atsaves and Gale, were present on July 7, 2014 hearing, it is recommended that the Candidates motion to dismiss be denied.

2) Since Respondent/Candidate acknowledges that he has failed to file the requisite 25,000 signatures to appear on the ballot, it is your hearing officer recommendation that the Respondents/Candidates names not appear on the November 4, 2014 ballot.

Respectfully Submitted


Philip Krasny
Hearing Officer

7/31/14

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OF OBJECTIONS TO THE PETITION PAPERS FOR
INDEPENDENT CANDIDATES FOR GOVERNOR AND LIEUTENANT GOVERNOR
IN THE STATE OF ILLINOIS**

Lou Atsaves and Gary Gale;)
Petitioner-Objectors,)
)
vs.)
)
Michael W. Hawkins as a)
Candidate For Governor and)
Kimberly A. Kusch as a)
Candidate for Lieutenant)
Governor,)
)
Respondent-Candidates.)

2015 JUN 30 PM 2:57
 CLERK OF THE COURT
 JUDICIAL BRANCH

VERIFIED OBJECTORS' PETITION

Now come Lou Atsaves and Gary Gale (hereinafter referred to as the "Objectors"), and state as follows:

1. Lou Atsaves resides at 745 E. Northmoor Road, Lake Forest, Illinois, 60045, in the County of Lake and State of Illinois, that he is duly qualified, registered and a legal voter at such address; that his interest in filing the following objection is that of a citizen desirous of seeing to it that the laws governing the filing of nomination papers of any person desiring to run as an Independent candidate for Governor or Lieutenant Governor of the State of Illinois are properly complied with and that only qualified Independent candidates for said offices appear upon the General Election ballot as candidates for said offices.

2. Gary Gale resides at 481 Green Bay Road, Highland Park, Illinois, 60035, Lake County, in the State of Illinois; that he is duly qualified, registered and a legal voter at such address; that his interest in filing the following objection is that of a citizen desirous of seeing to it that the laws governing the filing of nomination papers of any person desiring to run as an

Independent candidate for Governor or Lieutenant Governor of the State of Illinois are properly complied with and that only qualified Independent candidates for said offices appear upon the General Election ballot as candidates for said offices.

3. Your Objectors make the following objections to the nomination papers of Michael W. Hawkins, who purports to run as an Independent candidate for Governor of the State of Illinois, and Kimberly A. Kusch, who purports to run as an Independent candidate for Lieutenant Governor of the State of Illinois ("the Nomination Papers"), and files the same herewith, and states that the said Nomination Papers are insufficient in law and in fact for the following reasons:

4. Your Objectors state that in the State of Illinois the signatures of not less than 25,000 duly qualified, registered, and legal voters of the State of Illinois are required to run as an Independent candidate for Governor or Lieutenant Governor. In addition, said Nomination Papers must truthfully allege the qualifications of the candidate, be gathered and presented in the manner provided for in the Illinois Election Code, and otherwise be executed in the form and manner required by law.

5. Your Objectors state that the Candidates have filed one (1) petition signature sheet containing a total of two (2) signatures of allegedly duly qualified, legal, and registered voters of the State of Illinois.

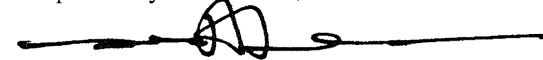
6. Even if every signature that the Candidates filed were valid, the Candidates have filed only one signature, which is on its face, below the statutory minimum. On their face, the Nomination Papers do not contain enough valid signatures to permit Michael W. Hawkins to be an Independent candidate for Election to the Office of Governor of the State of Illinois nor enough to permit Kimberly A. Kusch to be an Independent candidate for Election to the Office

of Lieutenant Governor of the State of Illinois to be voted upon at the General Election to be held on November 4, 2014.

7. Your Objectors state that the laws pertaining to the securing of ballot access require that certain requirements be met as established by law. Filings made contrary to such requirements must be voided, being in violation of the statutes in such cases made and provided.

WHEREFORE, your Objectors pray that the purported Independent candidate petition papers of Michael W. Hawkins as an Independent candidate for Governor of the State of Illinois and Kimberly A. Kusch as an Independent candidate for Lieutenant Governor of the State of Illinois be declared by this Honorable Electoral Board to be insufficient and not in compliance with the laws of the State of Illinois; and that this Honorable Electoral Board enter its decision declaring that the name of Michael W. Hawkins as an Independent candidate for Governor of the State of Illinois and Kimberly A. Kusch as an Independent candidate for Lieutenant Governor of the State of Illinois BE NOT PRINTED on the OFFICIAL BALLOT of the General Election to be held on November 4, 2014.

Respectfully submitted,



OBJECTOR

Lou Atsaves



OBJECTOR

Gary Gale

VERIFICATION

The undersigned as Objector, first being duly sworn on oath, now deposes and says that he has read this VERIFIED OBJECTORS PETITION and that the statements therein are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true and correct.

[Signature]

OBJECTOR

Lou Atsaves

745 E. Northmoor Road

Lake Forest, Illinois, 60045

County of Cook

)

)

ss.

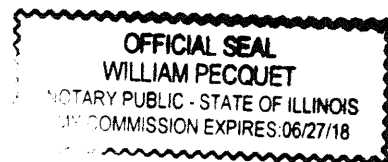
State of Illinois

)

Subscribed to and Sworn before me, a Notary Public, by Lou Atsaves, the Objector, on this the 30th day of June 2014, at Chicago, Illinois.

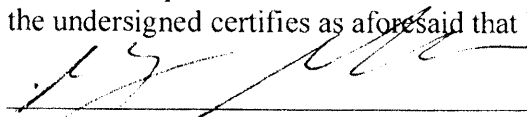
William Pecquet (SEAL)
NOTARY PUBLIC

My Commission expires: 6-27-18



VERIFICATION

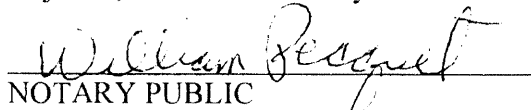
The undersigned as Objector, first being duly sworn on oath, now deposes and says that he has read this VERIFIED OBJECTORS PETITION and that the statements therein are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true and correct.



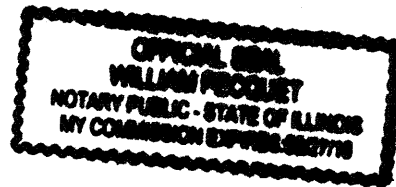
OBJECTOR
Gary Gale
481 Green Bay Road
Highland Park, Illinois 60035

County of Cook)
) ss.
State of Illinois)

Subscribed to and Sworn before me, a Notary Public, by Gary Gale, the
Objector, on this the 30th day of June 2014, at Chicago, Illinois.

 (SEAL)
NOTARY PUBLIC

My Commission expires: 6-27-18



**Carruthers v. Dill
14 SOEB GE 510**

Candidate: Josh Dill

Office: 13th Congress

Party: Lincoln Liberty

Objector: Andy Carruthers

Attorney for Objector: John Fogarty

Attorney for Candidate: Pro se

Number of Signatures Required: 15,205

Number of Signatures Submitted: 232

Number of Signatures Objected to:

Basis of Objection: Candidate failed to submit a sufficient number of valid signatures.

Dispositive Motions: Candidate filed a Motion to Dismiss and Objectors filed a Response thereto.

Binder Check Necessary: No

Hearing Officer: David Herman

Hearing Officer Findings and Recommendation: Based on the failure to file a sufficient amount of valid signatures, the recommendation is to sustain the objection and not certify the Candidate for the 2014 General Election ballot. In addition, the Candidate's Constitutional arguments should not be addressed by the State Officer's Electoral Board on the basis that the Board lacks the authority to consider such challenges.

Recommendation of the General Counsel: I concur with the recommendation of the Hearing Officer.

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO
NOMINATION PAPERS FOR CANDIDATES FOR ELECTION TO THE
OFFICE OF REPRESENTATIVE IN CONGRESS FROM
THE 13th CONGRESSIONAL DISTRICT OF THE STATE OF ILLINOIS**

Andrew Carruthers,)	
)	
Petitioner-Objector,)	
)	
v.	)	File No. 14 SOEB GE 510
)	
Josh Dill,)	
)	
Respondent-Candidate.)	

RECOMMENDATION OF HEARING EXAMINER

This matter coming on for recommendation on the Verified Objection in this matter and the Hearing Examiner states as follows:

PROCEDURAL HISTORY

This matter commenced on June 30, 2014 when Andrew Carruthers filed a “Verified Objector’s Petition” with the State Board of Elections. Carruthers (hereinafter “Objector”) alleged that the nomination papers of Josh Dill as a new party candidate for the Office of Representative in Congress from the 13th Congressional District of the State of Illinois (hereinafter “Candidate”) were insufficient in that they were not in conformance with certain provisions of the Illinois Election Code. Specifically, the Objector alleged that the nomination papers, on their face, contain only 232, which is less than the statutorily required minimum 15,205 signatures required for a new party candidate in the 13th Congressional District.

On July 6, 2014, Candidate sent an email to the Hearing Officer which contained a Motion for Dismissal arguing that the objection is in violation of Article 1, Section 2, Clause 2 of the U.S. Constitution, in violation of the 1st Amendment rights afforded by the U.S. Constitution, and in violation of the 14th Amendment rights afforded by the U.S. Constitution. The Motion to Dismiss concludes that Article 6 of the U.S. Constitution awards these rights and attributes that the U.S. Constitution is the supreme law of the land and supersedes state laws that are in violation of the U.S. Constitution.

On July 11, 2014, counsel for the Objector forwarded to the Hearing Officer an executed Stipulation of the Parties containing the number of signatures required by state law and the number of signatures submitted by Candidate.

On July 15, 2014, Objector sent to the Hearing Officer his Response to Candidate’s Motion to Dismiss. The Objector argued in his Response to the Candidate’s Motion to Dismiss

argues that equal protection afforded by the Fourteenth Amendment to the U.S. Constitution is not synonymous with unfettered access to the ballot. The Objector also argues that the Constitution grants States broad power to prescribe the ‘Times, Places and Manner of holding Elections for Senators and Representatives,’ Article 1, Section 4, Clause 1.

On July 15, 2014, Candidate submitted to the Hearing Officer his Response to Objector’s Motion to Dismiss, which contained additional arguments regarding alleged violations of the U.S. Constitution.

No hearing was held on this matter.

ANALYSIS

Pursuant to the Illinois Election Code, 10 ILCS 5 et. seq., the statutorily required minimum signatures required to be placed on the ballot as a new party candidate for the 13th Congressional District of the State of Illinois is 15,205. A review of the Candidate’s nomination papers shows that Candidate submitted only 232. The Candidate’s nomination papers do not contain the statutorily required minimum number of signatures to be placed on the ballot. The Stipulation of the Parties on Signatures executed by counsel for the Objector and by the Candidate stipulates that Section 10-2 of the Election Code requires a new political party candidate to obtain the signatures of no fewer than 5% of the total number of persons who voted at the next preceding General Election in the 13th Congressional District, that number being 15, 205 persons. The Stipulation also states that the Candidate has filed nominating petitions that include the signatures of no more than 232 registered voter of the 13th Congressional District of the State of Illinois.

Candidate alleged in his Motion to Dismiss and his Reply to the Candidate’s Response that the Objection filed is in violation of his rights afforded by the U.S. Constitution.¹ As a creature of statute, the Board possesses only those powers conferred upon it by law. Any power or authority it exercises must find its source within the law pursuant to which it was created.” Bryant v. Board of Election Commissioners of the City of Chicago, 224 Ill. 2d 473, 476 (2007). “The Electoral Board’s authority to do anything must either ‘arise from the express language of the statute’ or ‘devolve by fair implication and intendment from the express provisions of the [statute] as an incident to achieving the objectives for which the [agency] was created.” Nader v. Illinois State Board of Elections, 2004 Ill. App. LEXIS 1277, *19 (1st Dist. 2004), *citing* Vuagniaux v. Department of Professional Regulation, 208 Ill. 2d 173, 188 (2003).

The Illinois Supreme Court has noted “an election board’s scope of inquiry with respect to objections to nomination papers is limited to ascertaining whether those papers comply with the provisions of the Election Code governing such papers.” Bryant, at 476. “[E]lection boards are not entitled to assess the constitutionality of Election Code requirements when considering objections to nominating papers. . . .” Goodman v. Ward, 241 Ill.2d 398, 411, 948 N.E.2d

¹ The Illinois Supreme Court has reaffirmed its support for raising constitutional issues before an administrative agency in Board of Education, Joliet Township High School District No. 204 v. Board of Education, Lincoln Way Community High School District No. 210, where it noted: “Ordinarily, any issue that is not raised before the administrative agency, even constitutional issues that the agency lacks the authority to decide, will be forfeited by the party failing to raise the issue.” 231 Ill. 2d 184, 205 (2008).

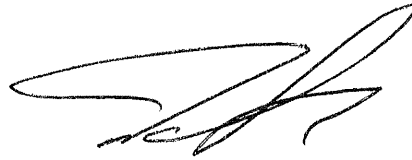
580,589 (2011). Administrative agencies have no authority to declare statutes unconstitutional or even to question their validity. Id.

CONCLUSION

Because Candidate has **NOT** met the minimum signature requirement set forth in the Election Code, the Hearing Examiner recommends that Candidate's name **NOT** be placed on the ballot as a candidate for the Office of Representative in Congress from the 13th Congressional District of the State of Illinois in the General Election to be held on November 4, 2014.

Hearing Examiner further recommends that the Candidate's and Objector's constitutional arguments contained in their respective filing and arguments contained in the records should not be considered as this Hearing Examiner and the Electoral Board are without authority to consider such challenges under current Illinois law.

DATED: July 28, 2014

A handwritten signature in black ink, appearing to read 'D. Herman', written over a horizontal line.

David A. Herman, Hearing Examiner

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS FOR
CANDIDATES FOR THE OFFICE OF REPRESENTATIVE IN CONGRESS FROM
THE 13th CONGRESSIONAL DISTRICT OF THE STATE OF ILLINOIS**

Andy Carruthers,)	
)	
Petitioner-Objector,)	
	)	14 SOEB GE 510
vs.)	
)	
Josh Dill,)	
)	
Respondent-Candidate.)	

OBJECTOR’S RESPONSE TO CANDIDATE’S MOTION TO DISMISS

Now comes Andy Carruthers (hereinafter referred to as the “Objector”), and for his Response to the Candidate’s Motion to Dismiss, states as follows:

1. A new party candidate for Representative in Congress for the 13th Congressional District must file, among other things, petitions containing 15,205 valid signatures of registered voters within the 13th Congressional District to appear on the General Election ballot. The Candidate here filed no more than 232 signatures.

2. In his Motion to Dismiss, the Candidate argues that he should nonetheless appear on the ballot because, essentially, the laws governing ballot access infringe his Constitutional rights under the First and Fourteenth Amendments of the United States Constitution. His contentions are without merit, and his Motion should be denied.

3. The Fourteenth Amendment to the United States Constitution and the Third Amendment to the Illinois Constitution guarantee that all elections be free and equal, and that the conduct of elections shall be general and uniform. ILL. CONST. ART. III, §§ 3, 4.

4. This constitutional guarantee is not synonymous with unfettered access to the ballot. Rather, it is well-settled that “[s]tates may, and inevitably must,

enact reasonable regulations of parties, elections, and ballots to reduce election and campaign-related disorder.” *Timmons v. Twin Cities Area New Party*, 520 U.S. 351 (1997); *Burdick v. Takashi*, 504 U.S. 428 (1992)(“as a practical matter, there must be a substantial regulation of elections if they are to be fair and honest and if some sort of order, rather than chaos, is to accompany the democratic process”); *Storer v. Brown*, 415 U.S. 724 (1974); *Tashjian v. Republican Party of Conn.*, 479 U.S. 208 (1986)(“The Constitution grants States broad power to prescribe the ‘Times, Places and Manner of holding Elections for Senators and Representatives,’ Art. I, § 4, cl. 1, which power is matched by state control over the election process for state offices.”). The state has a right to require candidates to make a preliminary showing of substantial support in order to qualify for a place on the ballot, because it is both wasteful and confusing to encumber the ballot with names of frivolous candidates. *Lubin v. Parish*, 415 U.S. 709 (1974); *Johnson v. Cook County Officers Electoral Board*, 680 F.Supp. 1229 (N.D. Ill. 1988).

5. It is also well settled that minimum signature requirements for new party candidates are a reasonable limitation that serve this compelling state interest. See, e.g., *Druck v. Illinois State Board of Elections*, 387 Ill.App.3d 144 (1st Dist. 2008); *Libertarian Party v. Rednour*, 108 F.3d 768 (7th Cir. 1997).

6. Despite decades of jurisprudence to the contrary, the Candidate apparently argues that there can be no minimum petition signature requirement for the office he seeks. He offers no plausible justification for his argument.

7. Notably, the Candidate has submitted no more than 232 signatures with his petitions. This number would not qualify him even if he were to have run in the Primary as a

Democrat or a Republican -- hardly a modicum of support that could justify placing his name on the General Election ballot.

8. For these reasons, the Candidate's Motion to Dismiss must be denied.

Respectfully submitted,

The Objector
Andy Carruthers

Date: July 15, 2013

By: /s/ **John G. Fogarty, Jr.** /s/

John G. Fogarty, Jr.
Law Office of John Fogarty, Jr.
4043 N. Ravenswood, Suite 226
Chicago, Illinois 60613
Telephone: (773) 549-2647
Facsimile: (773) 681-7147

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS FOR
CANDIDATES FOR THE OFFICE OF REPRESENTATIVE IN CONGRESS FROM
THE 13th CONGRESSIONAL DISTRICT OF THE STATE OF ILLINOIS**

Andy Carruthers,)	
)	
Petitioner-Objector,)	
	)	14 SOEB GE 510
vs.)	
)	
Josh Dill,)	
)	
Respondent-Candidate.)	

NOTICE OF FILING AND SERVICE

To: David Herman, by email to dherman@giffinwinning.com
State Board of Elections by email to ssandvoss@elections.il.gov
Josh Dill, by email to jdill151206@gmail.com

Please take notice that on July 15, 2014, prior to 5:00 P.M., the undersigned e-mailed to the individuals listed above the Objector's Response to Motion to Strike and Dismiss, copies of each are attached hereto and herewith served upon you.

/s/ John G. Fogarty, Jr.
John G. Fogarty, Jr.

Proof of Service

The undersigned attorney certifies he served copies of this Notice and the attached pleading on the above persons by e-mail to them at the above addresses prior to 5:00 p.m. on July 15, 2014.

/s/ John G. Fogarty, Jr.
John G. Fogarty, Jr.

Law Office of John Fogarty, Jr.
4043 N. Ravenswood, Suite 226
Chicago, Illinois 60613
(773) 549-2647 (phone)
(773) 680-4962 (cell)
(773) 681-7147 (fax)
john@fogartylawoffice.com

Andy Carruthers,)	
)	
Petitioner-Objector,)	
	)	14 SOEB GE 510
vs.)	
)	
Josh Dill,)	
)	
Respondent-Candidate.)	

Candidates Response to Objectors Motion to Dismiss be denied

1. In the objectors argument- he agrees that the Fourteenth Amendment to the United States constitution and the Third Amendment to the Illinois constitution guarantees that all elections be free and equal. Basic logic and math show that 15,205 signatures for new parties and 800 for established parties that already have a base of millions of supporters and money is not equal. As previously stated, this violates the Candidates 14th amendment constitutional right. The candidate and Objector seem to be in agreement on this point.

2. As stated above- my motion is not without merit, the US Constitution protects my rights and the rights of the hundreds of people who have signed my petition, donated to my campaign, and volunteered their time to have my voice heard. The Illinois State Ballot Access laws are the top 5 worst in the Union to violate these basic constitutional rights.

3. In response to the court cases the objector referenced, the Candidate would reference state ballot access laws that follow the constitution. Louisiana has no petition requirements and uses a standard primary for all candidates running. This would counter the argument that there must be a substantial amount of regulations for elections, to avoid chaos as the objector has noted. A standard talking point to validate one of the top five worst ballot access requirements in the union: U.S. District Judge William J. Haynes Jr. ruled that Tennessee ballot access laws which are similar to Illinois as unconstitutional under the first and fourteenth amendments as I have already cited. (Green Party of Tennessee vs. Hargett), (Cook vs. Gralike). There are court decisions that seesaw between Candidates and established parties. The cases I reference rule in favor of the Candidates rights being violated and their name being added to the ballot.

4. The US constitution does grant states power to hold elections, but makes no mention of signature requirements, and the word “manner” is being construed to discriminate against non established parties. You only have to review the current election cycle. Every independent and third party that turned in over the amount of required signatures are being discriminated against on the same grounds, the amount of signatures are irrelevant since all petitions are being objected to on the same merit furthers the fact the laws are unjust.
5. To address the “the Candidate apparently argues that there can be no minimum petition signatures requirements for the office he seeks and offers no plausible justification for his argument.” I would note that it is not me that argue this point- but the US constitution, which states the requirements for running for federal office as occupancy, age, and citizenship. The signature requirements are here to protect the parties that are already in office. It is no coincidence that there are no Independents or third parties in the general assembly when this law was written and signed into law to this day. My justification for my motion to dismiss has been noted thoroughly; the argument the objector poses ignores the requirements for federal office stated by the US constitution, and uses an interpretation of the State’s rights article to justify the removal of the Candidate’s name from the Ballot and in fact ignoring the United States Constitution.
6. Finally, to address the amount of signatures the Candidate submitted. New parties do not have a primary until they are established, since there is no mention of the Candidate running for office as a Democrat or Republican- there is no basis for that note. The Candidate has fulfilled the requirements to run for Federal office as Stated by Article I Section 2, Clause 2 of the United States constitution. This is solidified by Article 6 of the US constitution, which states it is the supreme law of the land and all State constitutions do not supersede it.
7. For the above mentioned arguments, and in the name of a representative democracy fortified by the first and fourteenth amendments of the US Constitution, the objection should be dismissed and the candidate should be printed on the November general election ballot.

Respectfully Submitted,

Candidate

Josh Dill

Date: July 15, 2014

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS FOR
CANDIDATES FOR THE OFFICE OF REPRESENTATIVE IN CONGRESS FROM
THE 13th CONGRESSIONAL DISTRICT OF THE STATE OF ILLINOIS**

Andrew Carruthers,)
)
Petitioner-Objector,)
)
vs.)
)
Josh Dill,)
)
Respondent-Candidate.)

ORIGINAL ON FILE AT
STATE BD OF ELECTIONS
ORIGINAL TIME STAMPED
AT June 30, 2014 @ 1:59 pm
Ray

VERIFIED OBJECTOR'S PETITION

Now comes Andrew Carruthers (hereinafter referred to as the "Objector"), and states as follows:

1. Andrew Carruthers resides at 887 Prestonwood Drive, Edwardsville, Illinois 62025, in the 13th Congressional District of the State of Illinois; that he is duly qualified, registered and a legal voter at such address; that his interest in filing the following objections is that of a citizen desirous of seeing to it that the laws governing the filing of nomination papers for a Candidate for Election to the Office of Representative in Congress from the 13th Congressional District of the State of Illinois, are properly complied with and that only qualified candidates have their names appear upon the ballot as candidates for said office.

2. Your Objector makes the following objections to the nomination papers of Josh Dill ("the Nomination Papers") as a new party candidate for the Office of Representative in Congress from the 13th Congressional District of the State of Illinois, and files the same herewith, and states that the said Nomination Papers are insufficient in law and in fact for the following reasons:

3. Your Objector states that in the 13th Congressional District of the State of Illinois the signatures of not less than 15,205 duly qualified, registered, and legal voters of the said 13th Congressional District of the State of Illinois are required for a candidate to qualify as a new party candidate for said office. In addition, said Nomination Papers must truthfully allege the qualifications of the candidate, be gathered and presented in the manner provided for in the Illinois Election Code, and otherwise be executed in the form and manner required by law.

The Candidate Has An Insufficient Number Of Signatures To Qualify For Office

4. Your Objector states that the Candidate has filed 25 petition signature sheets containing 232 signatures of allegedly duly qualified, legal, and registered voters of the 13th Congressional District of the State of Illinois.


5. Your Objector states that the Nomination Papers herein contested consist of various sheets supposedly containing the valid and legal signatures of 232 individuals, which, on its face, is below the statutory minimum of 15,205.

6. Your Objector states that the laws pertaining to the securing of ballot access require that certain requirements be met as established by law. Filings made contrary to such requirements must be voided, being in violation of the statutes in such cases made and provided.

WHEREFORE, your Objector prays that the purported nomination papers of Josh Dill as a new party candidate for the office of the Representative in Congress for the 13th Congressional District of the State of Illinois be declared by this Honorable Electoral Board to be insufficient and not in compliance with the laws of the State of Illinois and that the Candidate's name be stricken and that this Honorable Electoral Board enter its decision declaring that the name of Josh Dill as a new party candidate for the office of the Representative in the Congress for the

13th Congressional District of the State of Illinois BE NOT PRINTED on the OFFICIAL BALLOT at the General Election to be held on November 4, 2014.

Respectfully submitted,


OBJECTOR

John G. Fogarty, Jr.
Law Office of John Fogarty, Jr.
4043 N. Ravenswood, Suite 226
Chicago, Illinois 60613
(773) 549-2647
(773) 680-4962 (mobile)
(773) 681-7147 (fax)
john@fogartylawoffice.com

VERIFICATION

The undersigned as Objector, first being duly sworn on oath, now deposes and says that he has read this VERIFIED OBJECTOR'S PETITION and that the statements therein are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true and correct.

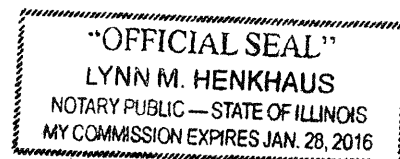

ANDREW CARRUTHERS, Objector

County of Madison)
) ss.
State of Illinois)

Subscribed to and Sworn before me, a Notary Public, by ANDREW CARRUTHERS, the Objector, on this the 25 day of June, 2014, at Edwardsville, Illinois.

 (SEAL)
NOTARY PUBLIC

My Commission expires: 1-28-16



Atsaves/Gale v. Oberline, et al
14 SOEB GE 514

Candidate: Michael Oberline/Don Stone/Joe Bell/Ted Stufflebeam/Timothy Goodcase/
Tim Pearcy/Chad Koppie

Office: Governor/Lt Governor/Atty General/Sec of State/Comptroller/Treasurer/US Senate

Party: Constitution

Objector: Lou Atsaves/Gary Gale

Attorney for Objector: John Fogarty

Attorney for Candidate: Ross Secler

Number of Signatures Required: 25,000

Number of Signatures Submitted: 30,412

Number of Signatures Objected to: In excess of 9,701. (The Objectors claim that the number objected to is 20,213.) The records examination was suspended after the total number of presumably valid signatures was no more than 23,452. The Candidate elected not to challenge the results of the records examination.

Basis of Objection: The Nomination papers contain an insufficient number of valid signatures. Various objections were made against the petition signers including: "Signer's Signature Not Genuine," "Signer Not Registered at Address Shown," "Signer Resides Outside of IL," "Signer Signed Petition More than Once," "Address is Missing or Incomplete" and "Signer Signed Petition of Different Political Party".

In addition, various objections were made against the petition circulators including: "Circulator Who Circulated Petitions for Another Political Party", "Circulator Does Not Reside at Address Shown", "Circulators Address is Incomplete", "Petition Sheet Not Properly Notarized" and "Not Notarized", and the petition sheets circulated by certain named circulators demonstrate a pattern of fraud and disregard of the Election Code such that all names on such sheets should be stricken. The Objectors also allege that numerous petition sheets are not properly numbered or are missing numbers entirely.

Dispositive Motions: None

Binder Check Necessary: Yes

Hearing Officer: Barb Goodman

Hearing Officer Findings and Recommendation: Based on the petition not containing at least 25,000 signatures, and the failure of the Candidates to offer any evidence to reverse the results of the records examination, it is the recommendation of the Hearing Officer to sustain the objection and declare the Candidate's petition invalid, and not certify the Constitution Party or its candidates to the 2014 General Election ballot.

Recommendation of the General Counsel: I concur with the recommendation of the Hearing Officer.

BEFORE THE ILLINOIS STATE OFFICERS ELECTORAL BOARD

Atsaves and Gale)	
)	
Objector)	
	)	14 SOEB GE 514
-v-)	
)	
Oberline, et.al.)	
)	
Candidate)	

HEARING OFFICER' S REPORT AND RECOMMENDED DECISION

This matter was first heard on July 7, 2014. The Objectors appeared through counsel John Fogarty and the Candidates appeared through counsel Ross Secler and a case management conference was conducted via telephone with this hearing officer. No preliminary motions were filed. The issues raised in the Objectors' Petition were those that required a records examination and, thereafter, a records examination was conducted. On July 18, 2014, the records examination was suspended by this Hearing Officer pursuant to Rule 9 which provides as follows:

If at any time during the records examination it appears that (i) the number of valid signatures remaining on the petition is fewer than the number of valid signatures required by law or (ii) the number of valid signatures on the petition will exceed the number of valid signatures required by law even if all of the remaining objections to be decided were sustained, the Board or the hearing examiner may suspend the records examination and the results of the records examination shall be forwarded to the Board or the hearing examiner, as the case may be. If this is so ordered, the party adversely affected by the order will be afforded an opportunity to present evidence that there exists a sufficient amount of valid or invalid signatures as the case may be, to warrant resumption of the examination. Such evidence must be submitted no later than 5PM on the second business day following the order of suspension. The records examination may then be resumed or terminated at the discretion of the Board or the hearing examiner.

At the time the records examination was suspended, the following were the results:

- A. The minimum number of valid signatures required by law for placement on the ballot for the offices in question is 25,000.
- B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate totaled 30,412.
- C. The number of objections sustained totaled 6,960.
- D. The number of objections overruled totaled 2,741.
- E. The remaining number of signatures deemed valid as a result of the records examination totaled 23,452.

On July 22, 2014, counsel for the candidate advised that the candidates would not be submitting any further evidence. Accordingly, at the conclusion of the case, the nominating papers contained less than the number of valid signatures required for placement on the ballot.

CONCLUSION

In light of the foregoing, it is my recommendation that the objections of Lou Atsaves and Gary Gale to the nominating papers of The Constitution Party as a purported new political party in the State of Illinois; Michael L. Oberline as a Candidate for Governor; Joe Bell as a Candidate for Attorney General; Ted Stufflebeam as a Candidate for Secretary of State; Timothy Goodcase as a Candidate for Comptroller; Tim Percy as a Candidate for Treasurer; and Chad Koppie as a Candidate for United States Senate be sustained and that the nominating papers of The Constitution Party as a purported new political party in the State of Illinois; Michael L. Oberline as a Candidate for Governor; Joe Bell as a Candidate for Attorney General; Ted Stufflebeam as a Candidate for Secretary of State; Timothy Goodcase as a Candidate for Comptroller; Tim Percy as a Candidate for Treasurer; and Chad Koppie as a Candidate for United States Senate and Paul Vallas for the Democratic nomination to the offices of Governor and Lieutenant Governor of the

State of Illinois be deemed **invalid** and that the name of said party and candidates **not be** printed on the ballot at the General Election to be held on November 4, 2014.

Respectfully submitted,

Barbara Goodman /s/

Barbara Goodman, Hearing Officer
8/6/14

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OF OBJECTIONS TO THE PETITION PAPERS FOR
CANDIDATES OF NEW POLITICAL PARTIES IN THE STATE OF ILLINOIS**

Lou Atsaves and Gary Gale;)
Petitioner-Objectors,)
)
vs.)
)
The Constitution Party as a)
purported new political party in)
the State of Illinois; Michael L.)
Oberline as a Candidate for)
Governor; Don Stone as a)
Candidate for Lieutenant)
Governor; Joe Bell as a Candidate)
for Attorney General; Ted)
Stufflebeam as a Candidate for)
Secretary of State; Timothy)
Goodcase as a Candidate for)
Comptroller; Tim Percy as a)
Candidate for Treasurer; and)
Chad Koppie as a Candidate)
For United States Senate;)
)
Respondent-Candidates.)

**ORIGINAL ON FILE AT
STATE BD OF ELECTIONS
ORIGINAL TIME STAMPED
AT 2014 JUN 30 pm 3:01**
/km

VERIFIED OBJECTORS' PETITION

Now come Lou Atsaves and Gary Gale (hereinafter referred to as the "Objectors"), and state as follows:

1. Lou Atsaves resides at 745 E. Northmoor Road, Lake Forest, Illinois, 60045, in the County of Lake and State of Illinois, that he is duly qualified, registered and a legal voter at such address; that his interest in filing the following objections is that of a citizen desirous of seeing to it that the laws governing the filing of nomination papers of any group of persons desiring to form a new political party throughout the State of Illinois are properly complied with and that only qualified new political parties appear upon the General Election ballot and only

qualified candidates of such new political parties have their names appear upon the General Election ballot as candidates for office.

2. Gary Gale resides at 481 Green Bay Road, Highland Park, Illinois, 60035, Lake County, in the State of Illinois; that he is duly qualified, registered and a legal voter at such address; that his interest in filing the following objections is that of a citizen desirous of seeing to it that the laws governing the filing of nomination papers of any group of persons desiring to form a new political party throughout the State of Illinois, are properly complied with and that only qualified new political parties appear upon the General Election ballot and only qualified candidates of such new political parties have their names appear upon the General Election ballot as candidates for office.

3. Your Objectors make the following objections to the new political party petition papers of the Constitution Party and their purported candidates for statewide office in the State of Illinois: Michael L. Oberline as a Candidate for Governor; Don Stone as a Candidate for Lieutenant Governor; Joe Bell as a Candidate for Attorney General; Ted Stuffbeam as a Candidate for Secretary of State; Timothy Goodcase as a Candidate for Comptroller; Tim Percy as a Candidate for Treasurer; and Chad Koppie as a Candidate for United States Senate ("the Nomination Papers"), and file the same herewith, and state that the said Nomination Papers are insufficient in law and in fact for the following reasons:

4. Your Objectors state that in the State of Illinois the signatures of not less than 25,000 duly qualified, registered, and legal voters of the State of Illinois are required to form a new political party throughout the state. In addition, said Nomination Papers must truthfully allege the qualifications of the candidate, be gathered and presented in the manner provided for in the Illinois Election Code, and otherwise be executed in the form and manner required by law.

5. Your Objectors state that the Constitution Party has filed 3,104 petition signature sheets containing a total of 30,533 signatures of allegedly duly qualified, legal, and registered voters of the State of Illinois.

6. Your Objectors state that the laws pertaining to the securing of ballot access require that certain requirements be met as established by law. Filings made contrary to such requirements must be voided, being in violation of the statutes in such cases made and provided.

7. Your Objectors further state that the said Nomination Papers contain the names of numerous persons who did not sign the said nomination papers in their own proper persons, and that the said signatures are not genuine, as more fully set forth in the Appendix-Recapitulation under the column designated "(A) SIGNATURE NOT GENUINE," attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

8. Your Objectors further state that the aforesaid Nomination Papers contain the names of numerous persons who are not in fact duly qualified, registered, and legal voters at the addresses shown opposite their names in the State of Illinois and their signatures are therefore invalid, as more fully set forth in the Appendix Recapitulation under the column designated "(B) SIGNER NOT REGISTERED AT ADDRESS SHOWN," attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

9. Your Objector further states that the said Nomination Papers contain the names of persons who have signed said petition but who are not, in fact, duly qualified, registered, and legal voters at addresses that are located within the State of Illinois as shown by the addresses they have given on the petition, as more fully set forth in the Appendix-Recapitulation under the column designated "(C) SIGNER DOES NOT RESIDE IN DISTRICT (OUTSIDE IL),"

attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

10. Your Objectors state that said Nominating Papers contain the signatures of various individuals who have listed incomplete addresses as their own legal addresses, as more fully set forth in the Appendix-Recapitulation, under the column designated “(D) SIGNER’S ADDRESS IS MISSING OR INCOMPLETE” attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

11. Your Objectors further state that said Nomination Papers contain the signatures of various individuals who have signed the petition more than once, and such duplicate signatures are invalid, as more fully set forth in the Appendix-Recapitulation, under the column designated “(E) SIGNER SIGNED PETITION MORE THAN ONCE AT SHEET/LINE NUMBER INDICATED,” with a further notation therein of the sheet and line numbers of the alleged duplicate signature(s), attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

12. Your Objectors state that said Nomination Papers contain the signatures of various individuals who have also signed a nominating petition for another political party, thereby precluding them from petitioning to form a new political party and attempt to access the ballot in the 2014 General Election, as more fully set forth in the Appendix-Recapitulation, under the column designated “(F) SIGNER SIGNED PETITION OF DIFFERENT POLITICAL PARTY” attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

13. Your Objectors state that said Nomination Papers contain petition sheets containing the names of persons as circulators of said petition sheets who circulated petition

sheets for a candidate of another political party as is set forth specifically in the Appendix-Recapitulation, at the space designated "CIRCULATOR CIRCULATED FOR A CANDIDATE OF ANOTHER POLITICAL PARTY" attached hereto and made a part hereof, all of said petition sheets being in violation of the statutes in such cases made and provided. This allegation is made with specific reference to the petition sheets circulated by at least the following individuals:

- a. Beverly Smith. Beverly Smith purports to have circulated petition page nos: 35, 124-129, 319-329, 332-334, 376-380, 478, 629, 632, 981, 1005, 1031, 1190, 1204, 1207, 1273, 1313, 1353, 1379, 1527, 1530, 1535, 1547, 1579, 1658, 1748, 1802, 1806, 2211, 2425, 2454, 2455, 2457, 2460, 2472, 2475, 2487, 2814, 2815, 2832-2835, 2856-2858. Beverly Smith also circulated nominating petitions for Tio Hardiman as a Democratic candidate for Governor in the 2014 General Primary Election.
- b. Tajan Harris. Tajan Harris purports to have circulated petition page nos: 2758, 2763, 2765. Tajan Harris also circulated nominating petitions for Tio Hardiman as a Democratic candidate for Governor in the 2014 General Primary Election.
- c. Mae Mcleninen. Mae Mcleninen purports to have circulated petition page nos: 550, 551, 552, 553, 613, 1161, 1651, 2674. Mae Mcleninen also circulated nominating petitions for Tio Hardiman as a Democratic candidate for Governor in the 2014 General Primary Election.
- d. Christopher Woulard. Christopher Woulard purports to have circulated petition page nos: 274-280, 283-286, 611, 633, 634, 663, 672, 673, 1026, 2351. Christopher Woulard also circulated nominating petitions for Michael Frerichs as a Democratic candidate for Treasurer in the 2014 General Primary Election.
- e. Olivia Rivers. Olivia Rivers purports to have circulated petition page nos: 122, 123, 131-135, 371-375, 392, 398, 409, 410, 482-484, 486-493, 861-871, 2825, 2827-2831, 2841. Olivia Rivers also circulated nominating petitions for Michael Frerichs as a Democratic candidate for Treasurer in the 2014 General Primary Election.

14. Your Objectors state that said Nomination Papers contain petition sheets containing the names of persons as circulators of said petition sheets who circulated petition sheets who do not reside at the address stated in their circulator's affidavit as is set forth

specifically in the Appendix-Recapitulation, at the space designated "CIRCULATOR DOES NOT RESIDE AT ADDRESS SHOWN" attached hereto and made a part hereof, and as set forth in the following paragraphs, all of said petition sheets being in violation of the statutes in such cases made and provided.

15. Your Objectors state that said Nomination Papers contain petition sheets containing the names of persons as circulators of said petition sheets whose stated address is incomplete as is set forth specifically in the Appendix-Recapitulation, at the space designated "CIRCULATOR'S ADDRESS INCOMPLETE" attached hereto and made a part hereof, and as set forth in the following paragraphs, all of said petition sheets being in violation of the statutes in such cases made and provided.

16. Your Objectors state that said Nomination Papers contain petition sheets wherein the purported circulator's affidavit is not properly notarized as is set forth specifically in the Appendix-Recapitulation, at the space designated "PETITION SHEET NOT PROPERLY NOTARIZED" attached hereto and made a part hereof, and as set forth in the following paragraphs, all of said petition sheets being in violation of the statutes in such cases made and provided.

17. Your Objectors state that said Nomination Papers contain petition sheets wherein the purported circulator's affidavit is not notarized as is set forth specifically in the Appendix-Recapitulation, at the space designated "PETITION SHEET NOT NOTARIZED" attached hereto and made a part hereof, and as set forth in the following paragraphs, all of said petition sheets being in violation of the statutes in such cases made and provided.

18. Your Objectors state that the Nomination Papers contain petition sheets purportedly circulated by individuals whose petition sheets demonstrate a pattern of fraud and

disregard of the Election Code to such a degree that every signature on every sheet purportedly circulated by said individuals are invalid, and should be invalidated, in order to protect the integrity of the electoral process, in accordance with the principles set forth in the decisions of *Canter v. Cook County Officers Electoral Bd.*, 170 Ill.App.3d 364, 523 N.E.2d 1299 (1st Dist. 1988); *Huskey v. Municipal Officers Electoral Bd. for Village of Oak Lawn*, 156 Ill.App.3d 201, 509 N.E.2d 555 (1st Dist., 1987) and *Fortas v. Dixon*, 122 Ill.App.3d 697, 462 N.E.2d 615 (1st Dist. 1984).

19. Your Objector states that there will be presented substantial, clear, unmistakable, and compelling evidence that establishes a “pattern of fraud and false swearing” with an “utter and contemptuous disregard for the mandatory provisions of the Election Code.” In addition, an examination of the nominating petitions hereunder will reveal a pervasive and systematic attempt to undermine the integrity of the electoral process. Consequently, your Objector states that this Electoral Board “cannot close its eyes and ears” but will be compelled to void the entire nominating petition as being illegal and void in its entirety. This allegation is made with specific reference to the petition sheets circulated or notarized by at least the following individuals for at least the following reasons:

- a. Mandell Clark, purportedly residing at 7120 S. Merrill Avenue, Chicago, IL 60649. Mandell Clark’s petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of this circulator’s sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Mandell Clark should be stricken. Moreover, the signatures on numerous of Mandell Clark’s petitions appear to be not genuine, and such signatures appear to have been forged, and written in the same hand. Many of the so-called petition signers spelled their own names incorrectly or put the incorrect house address or street address for themselves.
- b. Joan Clark, purportedly residing at 4218 S. Cottage Grove, Chicago, Illinois, 60653. Joan Clark’s petition sheets exhibit an extraordinarily high rate of

improper signatures; on certain of her sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Joan Clark should be stricken. Moreover, the signatures on numerous of Joan Clark's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Many of the so-called petition signers spelled their own names incorrectly or put the incorrect house address or street address for themselves.

- c. Walter Bell, purportedly residing at 7222 S. Constance Avenue, Chicago, Illinois, 60649. Walter Bell's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of his sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Walter Bell should be stricken. Moreover, the signatures on numerous of Walter Bell's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Many of the so-called petition signers spelled their own names incorrectly or put the incorrect house address or street address for themselves.
- d. Olivia Rivers, purportedly residing at 8738 South Michigan, Chicago, Illinois, 60619. Olivia Rivers' petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of her sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Olivia Rivers should be stricken. Moreover, the signatures on numerous of Olivia Rivers' petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Many of the so-called petition signers spelled their own names incorrectly or put the incorrect house address or street address for themselves.
- e. Venus Shaw, purportedly residing at 527 W. 14th Place, Chicago, Illinois, 60607. Venus Shaw's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of her sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Venus Shaw should be stricken. Moreover, the signatures on numerous of Venus Shaw's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Many of the so-called petition signers spelled their own names incorrectly or put the incorrect house address or street address for themselves.

- f. Darva Watkins. All petition sheets allegedly notarized by Darva Watkins. Darva Watkins purportedly notarized numerous petition sheets for alleged circulators who did not appear personally before her to swear their oath, in flagrant violation of and disregard for the Election Code, in such a manner that the integrity of the electoral process is impacted, and as such, each of the sheets that she has notarized must be invalidated. Pursuant to rule set forth in *Bowe v. Chicago Electoral Board*, 79 Ill.2d 469, 404 N.E.2d 180 (1980) and *Cunningham v. Schaefflein*, 969 Ill.App.3d 861 (1st Dist. 2012), each of the petition sheets purportedly notarized by Darva Watkins must be stricken.

20. Your Objectors state that the Election Code requires the petition sheets contained in the Nomination Papers shall be numbered consecutively. 10 ILCS5/10-4. The Nomination Papers contain numerous petition sheets that are not numbered whatsoever, are mis-numbered, and numbered in duplicate, therefore making it impossible to review said petition sheets, in violation of this mandatory requirement of the Election Code. The petition sheet numbering skips from 2203 to 2209; and further skips pages 2303, 2459 and 2488, making it impossible to accurately review said petition sheets.

21. Your Objectors state that the Nomination Papers herein contested consist of various sheets supposedly containing the valid and legal signatures of 30,533 individuals. The individual signature objections cited herein with specificity reduce the number of valid signatures by at least 20,213 to 10,320, which is 14,680 below the statutory minimum of 25,000. Moreover, invalidation of the sheets submitted by the circulators listed above further reduces the number of valid signatures presented by the purported Constitution Party as a new political party in the State of Illinois below the minimum number required by law.

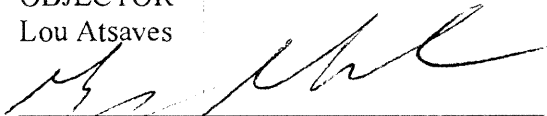
WHEREFORE, your Objectors pray that the purported new political party petition papers of the Constitution Party and their purported candidates for statewide office in the State of Illinois: Michael L. Oberline for Governor; Don Stone for Lieutenant Governor; Joe Bell for Attorney General; Ted Stufflebeam for Secretary of State; Timothy Goodcase for Comptroller;

Tim Percy for Treasurer; and Chad Koppie for United States Senate be declared by this Honorable Electoral Board to be insufficient and not in compliance with the laws of the State of Illinois; that the Constitution Party not qualify as a new political party at the 2014 General Election, that none of the aforesaid Candidates' names appear on the General Election ballot, and that each such name be stricken; and that this Honorable Electoral Board enter its decision declaring that the Constitution Party shall not qualify as a new political party, and that the names of Michael L. Oberline for Governor; Don Stone for Lieutenant Governor; Joe Bell for Attorney General; Ted Stufflebeam for Secretary of State; Timothy Goodcase for Comptroller; Tim Percy for Treasurer; and Chad Koppie for United States Senate as Candidates of the Constitution Party for election to those said offices in the State of Illinois BE NOT PRINTED on the OFFICIAL BALLOT at the General Election to be held on November 4, 2014.

Respectfully submitted,



OBJECTOR
Lou Atsaves



OBJECTOR
Gary Gale

VERIFICATION

The undersigned as Objector, first being duly sworn on oath, now deposes and says that he has read this VERIFIED OBJECTORS PETITION and that the statements therein are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true and correct.

[Signature]
OBJECTOR

Lou Atsaves

745 E. Northmoor Road

Lake Forest, Illinois, 60045

County of Cook

)

)

ss.

State of Illinois

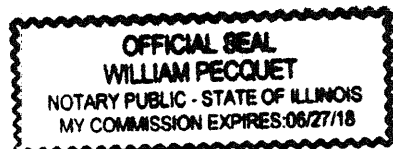
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Subscribed to and Sworn before me, a Notary Public, by Lou Atsaves, the Objector, on this the 30th day of June 2014, at Chicago, Illinois.

William Pecquet
NOTARY PUBLIC

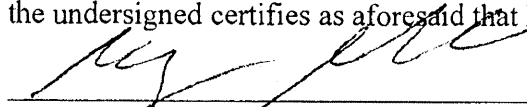
(SEAL)

My Commission expires: 6-27-18



VERIFICATION

The undersigned as Objector, first being duly sworn on oath, now deposes and says that he has read this VERIFIED OBJECTORS PETITION and that the statements therein are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true and correct.



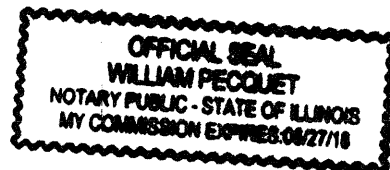
OBJECTOR
Gary Gale
481 Green Bay Road
Highland Park, Illinois 60035

County of Cook)
) ss.
State of Illinois)

Subscribed to and Sworn before me, a Notary Public, by Gary Gale, the
Objector, on this the 30th day of June 2014, at Chicago, Illinois.

William Pecquet (SEAL)
NOTARY PUBLIC

My Commission expires: 6-30-18



Atsaves/Gale v. Grimm, et al
14 SOEB GE 515

Candidate: Chad Grimm/Alexander Cummings/Ben Koyl/Julie Fox/Christopher Michel
Matthew Skopek/Sharon Hansen

Office: Governor/Lt Governor/Atty General/Sec of State/Comptroller/Treasurer/US Senate

Party: Libertarian

Objector: Lou Atsaves/Gary Gale

Attorney for Objector: John Fogarty

Attorney for Candidate: Ben Koyl

Number of Signatures Required: 25,000

Number of Signatures Submitted: 43,014

Number of Signatures Objected to: 23,775

Basis of Objection: The Nomination papers contain an insufficient number of valid signatures. Various objections were made against the petition signers including: "Signer's Signature Not Genuine," "Signer Not Registered at Address Shown," "Signer Resides Outside of the State," "Signer Signed Petition More than Once," "Address is Missing or Incomplete" and "Signer Signed Petition of Different Political Party".

In addition, various objections were made against the petition circulators including: "Circulator Who Circulated Petitions for Another Political Party", "Circulator Does Not Reside at Address Shown", "Circulators Address is Incomplete", "Petition Sheet Not Properly Notarized" and "Not Notarized", and the petition sheets circulated by certain named circulators demonstrate a pattern of fraud and disregard of the Election Code such that all names on such sheets should be stricken.

Dispositive Motions: None

Binder Check Necessary: Yes

Hearing Officer: Kelly McCloskey Churf

Hearing Officer Findings and Recommendation: The Candidates submitted 42,986 signatures on their nominating petition. There were 23,667 objections ruled on by the Board at the Records Examination. After the completion of said Examination, 12,789 objections were sustained leaving 30,197 valid signatures. Subsequently, the Candidates filed a Rule 9 Motion to "rehabilitate" certain signatures that were stricken during the Examination. The Objector's did not challenge the Rule 9 Motion. The Hearing Officer recommends that the Objectors' Rule 9 Motion be denied in part and granted in part and that 66 signatures that had been stricken be reinstated, essentially overruling the objections thereto. This would result in the Candidates petition containing 30,263 valid signatures.

The Hearing Officer then considered the following challenges to the Candidate's petition circulators. Most of the challenges are in the nature of a pattern of fraud claim or are based on the failure to provide a residence address, which if true, should result in the striking of all the sheets circulated by the petition circulators.

1) Sharon Rosenblum: Ms. Rosenblum's petition pages were objected to on the grounds that she circulated for an established political party candidate (running as a Democrat for State Representative in the 44th District) prior to the March 2014 General Primary election, which is prohibited by Section 10-4 of the Election Code [10 ILCS 5/10-4]. (It was noted that such provision has been upheld by caselaw). The relevant portion of Section 10-4 states: "No person shall circulate or certify petitions for candidates of more than one political party to be voted upon at the next primary or general election, or for such candidates and parties with respect to the same political subdivision at the next consolidated election." The Candidate's argument involved a case relating to the Consolidated Election and Article 8 of the Election Code (which is limited to legislative candidacies). The Hearing Officer dismissed these arguments as not being applicable. Based on the clear language of Section 10-4, the Hearing Officer recommends sustaining the objection and striking the remaining valid signatures on Ms. Rosenblum's petition (1,184 signatures). This would result in the Candidates petition containing 29,079 valid signatures.

2) Darrel Bonner: Mr. Bonner's petition pages were objected to on the grounds that he did not personally gather or witness the gathering of the signatures on said pages, nor was he present when they were gathered. The Objectors submitted 198 affidavits from persons who signed Mr. Bonner's petitions, in which they attested to the fact that Mr. Bonner was not present when they signed the sheets. (According to the affiants, the person in the picture attached to the affidavit did not match the description of the person who circulated the petitions.) In addition, the Objectors argued that the circumstantial evidence suggests that Mr. Bonner was not present when the petitions were circulated. (Between 8 and 10 times, Mr. Bonner was supposedly picked up at his hotel in Arlington Hts. by his friend (JT) who drove there from Shelbyville, and then was driven to locations in central Illinois and then back to Arlington Hts. to have the petitions notarized. While his friend JT presented the petitions to the signers, Mr. Bonner supposedly remained in the car at all times, out of sight of the petition signers.) Other suspicious circumstances were described by the Objectors relating to Mr. Bonner's alleged circulation (For a more detailed description of such circumstances See the Hearing Officer's Findings and Recommendations.) that cast doubt on Mr. Bonner's claims. Based on the implausible nature of the petition circulation (despite Mr. Bonner's testimony) and the affidavits submitted by the Objectors, that together support the contention that the circulator did not personally witness the petition signing, which is contrary to the provisions of Section 10-4 of the Election Code, the Hearing Officer recommends sustaining the objection and striking the remaining valid signatures on Ms. Bonner's petition (3,078 signatures). This would result in the Candidates petition containing 26,001 valid signatures.

3) Sarah Dart: Ms. Dart's petition pages were also objected to on the grounds that she did not personally gather or witness the gathering of the signatures on said pages, nor was present when they were gathered. This allegation is based on the affidavits of 72 persons who claimed that Ms. Dart was not the person who presented the petition for the voters to sign, as (according to the affiants), the person whose photograph was attached to the affidavits looked different from the actual circulator who the affiants described. The Candidates contended that Ms. Dart looked different because she was wearing a wig when she was circulating the petitions, whereas the picture of Ms. Dart on the affidavit showed her having an afro type hairstyle. Ms. Dart testified that she often wore different color wigs when she circulated petitions due to the chilly weather conditions in Chicago during the month of April. Additional affidavits were submitted by both the Objector and Candidates regarding whether Ms. Dart was indeed the circulator and evidence was presented pertaining to Ms. Dart's actual residence (these are more fully described in the Hearing Officer's Findings and Recommendation.) After considering all the evidence and testimony, the Hearing

Officer found Ms. Dart's testimony to be credible, and because the Objector's did not meet their burden of proof regarding the pattern of fraud allegation with regards to Ms. Dart's circulation, she recommends overruling the objection to Ms. Dart's petitions.

4) Brian Lambrecht: The Objectors submitted one affidavit from a petition signer who claimed that the signature on the petition sheet that he supposedly signed was not genuine. Mr. Lambrecht testified that he did circulate the petition in question. No other evidence was introduced. The Hearing Officer recommends overruling this objection since a pattern of fraud was not supported by the evidence; it was based solely on a single affidavit which was refuted by the credible testimony of the circulator.

5) Andrew Jacobs and Jacob Whitmer: The Objectors challenged the petitions sheets of these two circulators based on the claim that they failed to put their residence address on the circulators affidavit. Evidence was introduced to show that the addresses listed were not the actual residences of the two circulators. They each testified that they live from place to place (nomadic is the word the Hearing Officer used to describe them.) and are constantly traveling due to the nature of their profession (professional petition circulators). In other words, they really don't have any fixed address. The Hearing Officer noted that the relevant case law bases the address requirement on the need to locate a given circulator so that they can be called to testify as to their circulation. Given that the two circulators at issue here were located and did provide testimony (albeit remotely) which served the purpose set forth in the case law, and in the absence of evidence showing a deliberate attempt to mislead the electoral board with regards to their addresses (The Hearing Officer noted that there was a connection between the addresses and the circulators.), her recommendation is to overrule the objection.

6) Ryan Meszaros: This is also an objection based on residence of the circulator. The Objectors introduced the testimony of their investigator in which he testified that a resident of one of the Units at the property told him that she had lived there for the last year. Mr. Meszaros still receives mail at that address however. The Hearing Officer found that such testimony is hearsay and should be stricken as such, but that even if it were considered, the testimony only pertains to one unit in a multiple unit property and does not establish that Mr. Meszaros does not reside there. Therefore, she recommends that this objection be overruled.

7) Olynthia Jackson: The Hearing Officer recommends this objection be overruled since it was based on the petition sheets being illegible. While the copy of the sheets submitted by the Objectors was indeed illegible (the top part of the page was blank), the original pages were legible.

8) Derek Farr: The Objectors raise a pattern of fraud claim, based on two pages showing signs of having been round-tabled. Though the two pages in question do appear to contain some of the same names on each page and in the same handwriting, it is not so pervasive throughout all the pages circulated by Mr. Farr that a pattern of fraud exists requiring the striking of all the signatures on all of this circulator's pages. The Hearing Officer recommends that the two pages at issue be stricken resulting in a reduction of 7 signatures, but the pattern of fraud objection should be overruled. This would result in the Candidates petition containing 25,994 valid signatures.

Petition page 1233 The Objectors contend that petition sheet 1233 is neither signed by a notary nor does it bear a notary's stamp. Section 10-4 and relevant case law require that each petition sheet must contain a circulator's affidavit that is sworn to before a notary. Because petition sheet 1233 does not contain a sworn circulator's affidavit, the sheet is invalid and the signatures should be stricken. Therefore the Hearing Officer recommends that the 5 signatures remaining on petition sheet 1233 after the records examination be stricken. This would result in the Candidates petition containing 25,989 valid signatures.

Pattern of Fraud Based on Rate of Invalidity of Signatures Objectors argue that the petition sheets of certain circulators that contain an invalidity rate of at least 50% should be stricken based on the Harmon case (cited and described by the Hearing Officer in her Findings and Recommendation). The Hearing Officer noted that while Harmon held that an electoral board *could* find a pattern of fraud based on a high rate of invalid signatures, the court said that its decision was not to be construed as establishing a threshold that if exceeded, it would require such a finding. Based on Harmon, and the cases citing to Harmon, and application of the SOEB Rules of Procedure that state that a low number of valid signatures on a petition page(s) does not in itself establish a pattern of fraud, the Hearing Officer recommends that this objection be overruled.

Based on the above recommendations, and after striking the signatures from the sheets circulated by Ms. Rosenblum, Mr. Bonner and Mr. Farr, as well as sheet 1233 (that lacked a notarization), the Hearing Officer finds that the petition contains 25,989 valid signatures which is more than the 25,000 signatures needed to qualify a Statewide new political party for placement on the ballot, the overall recommendation is to overrule the objection and to certify the Libertarian Party and its candidates to the 2014 General Election ballot.

Recommendation of the General Counsel: I concur with the recommendation of the Hearing Officer.

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OF OBJECTIONS TO THE PETITION PAPERS FOR
CANDIDATES OF NEW POLITICAL PARTIES IN THE STATE OF ILLINOIS

LOU ATSAVES AND GARY GALE,)	
)	
Petitioner-Objectors,)	
)	
v.)	
)	
THE LIBERTARIAN PARTY AS A)	
PURPORTED NEW POLITICAL PARTY IN)	
THE STATE OF ILLINOIS; CHAD GRIMM)	
AS A CANDIDATE FOR GOVERNOR;)	
ALEXANDER CUMMINGS AS A)	
CANIDATE FOR LIEUTENANT)	
GOVERNOR; BEN KOYL AS A)	
CANDIDATE FOR ATTORNEY GENERAL;)	
JULIE FOX AS A CANIDATE FOR)	
COMPTROLLER; CHRISTOPHER MICHEL)	
AS A CANDIDATE FOR SECRETARY OF)	
STATE; MATTHEW SKOPEK AS A)	
CANDIDATE FOR TREASURER; AND)	
SHARON HANSEN AS A CANDIDATE)	
FOR UNITED STATES SENATE;)	
)	
Respondent-Candidates.)	

Case. No.: 14 SOEB GE 515

HEARING OFFICER'S FINDINGS AND RECOMMENDATIONS

This matter coming before the State Board of Elections as the duly qualified Electoral Board and before the undersigned Hearing Officer pursuant to Appointment and Notice issued previously, the Hearing Officer makes the following Findings and Recommendations:

I. PRELIMINARY FACTS

The Candidates, the Libertarian Party, as a purported new political party in the State of Illinois, Chad Grimm as a Candidate for Governor, Alexander Cummings, as a Candidate for Lieutenant Governor, Ben Koyl, as a Candidate for Attorney General, Christopher Michel, as a Candidate for Secretary of State, Julie Fox, as a Candidate for Comptroller, Matthew Skopek, as a Candidate for Treasurer and Sharon Hansen, as a Candidate for United States Senate (the "Candidates"), timely filed Nomination Papers to qualify as a new political party at the 2014 General Election.

On June 30, 2014, the Objectors Lou Atsaves and Gary Gale (the “Objectors”) timely filed their Verified Objectors’ Petition. In the Petition, the Objectors allege that the Candidates’ Nomination Papers contain: a) signatures which are not genuine; b) names of persons who are not registered voters at the addresses shown opposite their respective names; c) names of persons whose addresses are not within the State of Illinois; d) names of persons for whom the signer’s address is missing or incomplete; and e) names of persons who have signed the Nomination Papers more than one time. The Objectors also make the following objections with regard to certain circulators: a) certain circulators, namely Sharon Rosenblum, circulated for a candidate of another political party; b) certain circulators, namely Darryl Bonner, Sarah Dart and Brian Lambrecht, are not the true circulators of the petition sheets that he or she purports to have circulated, did not witness the signatures that appear on his or her petition sheets and were not present at the time such signatures were made on the petition sheets; c) certain circulators, including Sarah Dart, Andrew Jacobs, Ryan Meszeros and Jacob Whitmer, do not reside at the address stated in the circulator’s address in their affidavit; d) the signatures on the petition sheets of circulator Derek Farr also appear on other petition sheets; and e) the petition sheets of circulator Olynthia Jackson are illegible and of no legal effect. The Objectors also contend pursuant to the principles set forth in *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E. 2d 996 (1st Dist. 2007), all of the petition sheets of certain circulators should be stricken in their entirety.

An initial hearing and case management conference on this matter was held on July 7, 2014. John Fogarty appeared on behalf of the Objectors, and Ross Secler and Ben Koyl appeared on behalf of the Candidates.¹

The Candidates did not file a Motion to Strike or Dismiss.

On July 11, 2014, both parties timely made subpoena requests. The Objectors requested subpoenas for the appearance at the evidentiary hearing of thirteen (13) of the circulators identified in their Objections. The Candidates requested subpoenas for documents for fifty one (51) voting authorities throughout the State of Illinois for purposes of obtaining voting records of individuals who have signed nominating petitions in order to rehabilitate and prove as genuine any signatures that the records examination declares as invalid. I recommended that the subpoena requests for both parties be granted, and on July 21, 2014, the Board granted the requests.

The Records Examination commenced on July 14, 2014 and continued until July 23, 2014. Both parties were present at the Records Examination. The Candidates need 25,000 signatures to be on the ballot. The Candidates submitted 42,986 signatures. There were 23,667 objections ruled on by the Board at the Records Examination. 12,789 objections were sustained leaving 30,197 valid signatures. On July 24, 2014, the Board sent each party a printout of the results of the Records Examination.

At the case management conference on July 24, 2014, the hearing officer set dates for the exchange of witness lists and exhibits and an evidentiary hearing on the Objections and any Rule 9 Motions. Subsequent to the July 24th case management conference, Candidates requested

¹ Dan Johnson also filed an appearance on behalf of the Candidates on August 4, 2014.

additional subpoenas and an extension of time. I recommended that the requests be denied because of the expedited nature of the proceedings.

On July 29, 2014, the Candidates filed a Rule 9 Motion. The Candidates' Rule 9 Motion identified 175 signatures for which the Candidates also submitted evidence consisting of records from the various electoral authorities in order to refute the rulings made by the record examiners. The Objectors did not file a Rule 9 Motion.

The evidentiary hearing on this matter was held on August 3, 4 and 5, 2014. For their case-in-chief, the Objectors admitted into evidence affidavits by petition signers who attest that "the person whose photo appears on this page was not the person who circulated the Libertarian Petition and presented it to me for my signature . . . [and] was not present when I signed the Libertarian Petition" for the following circulators: a) Darryl Bonner (Objectors' Group Exhibit 4 -- 198 affidavits); b) Sarah Dart (Objectors' Group Exhibit 9 -- 72 affidavits); and Brian Lambrecht (Objectors' Exhibit 13 -- 1 Affidavit). Objectors introduced additional affidavits with regard to Darryl Bonner (Objectors' Group Exhibit 5 -- 6 Affidavits) and Sarah Dart (Objectors' Group Exhibit 10 -- 7 Affidavits) whereby the petition signer attests that his or her signature on the Libertarian Party petition sheet is not genuine. Subject to the Candidates' objections, the Objectors also admitted into evidence investigative reports, video clips and information gathered from the internet regarding the following circulator addresses: a) Sarah Dart (Objectors Exhibits 11 and 12); b) Andrew Jacobs (Objectors' Group Exhibit 15); c) Jacob Witmer (Objectors' Group Exhibit 15); and d) Ryan Meszaros (Objectors' Group Exhibit 19).² In addition, the Objectors introduced into evidence: a) four petitions pages (28, 304, 334 and 348) circulated by Olynthia Jackson (Objectors' Group Exhibit 21); and b) two petition pages (1124 and 1589) circulated by Derek Farr (Objectors Group Exhibit 22). Objectors presented the following two witnesses for their case-in-chief: a) Julia Fox, the notary for the petition pages circulated by Darryl Bonner; and b) Carlos Rodriquez, a private investigator.³

For their rebuttal to the Objectors' case-in-chief, the Candidates introduced into evidence affidavits from the following circulators who each attest to his or address and that he or she circulated the petition pages which are the subject of the objections: a) Darryl Bonner (Candidates' Exhibit A-1); b) Sarah Dart (Candidates' Exhibit A-2); c) Brian Lambrecht (Candidates' Exhibit A-6); d) Andrew Jacobs (Candidates' Exhibit A-5); and e) Jacob Whitmer (Candidates' Exhibit A-9).⁴ The Candidates also submitted into evidence: a) cases that support their position on the objection to Sharon Rosenblum, the circulator who circulated for a candidate of another political party (Candidates Group Exhibit B-1); b) the affidavit of Julieus Hooks, one of the signers of the petition pages circulated by Sarah Dart and one of the affiants in the Objectors' affidavits (Candidates' Exhibit C-1); c) the audio recording of Julieus Hooks and Adam Didech (Candidates' Exhibit C-2); d) another affidavit by Sarah Dart (Candidate's Exhibit

² Objectors also introduced into evidence the corresponding petition pages circulated by each of the referenced circulators.

³ At the close of Objectors' case-in-chief, Candidates made an oral motion for a directed finding in that the Objectors had not met their burden of proof. I deferred ruling on the motion for purposes of providing a complete record.

⁴ Affidavits of other circulators were admitted into evidence (See Candidates' Exhibits A-1 through A-16). However, since Objectors did not introduce any evidence regarding these circulators, these affidavits are not relevant for purposes of this Recommendation.

D-1); e) a trust deed between Sarah Dart and her husband and Chicago Title and Trust Company for property located at 4872 W. St. Paul St., Chicago Ill (St. Paul Street Property), the first page of a mortgage naming Sarah Dart as the borrower and First Franklin Financial Corp. as the lender and Com Ed bills to Sarah Dart for Unit B of the St. Paul Street Property issued December 13, 2013 and March 10, 2014 (Candidates' Group Exhibit E); and e) the signature of Crystal Greene, a signer on one of the petition pages circulated by Sarah Dart and one of the affiants in the Objectors' affidavits (Candidates' Exhibit F). The Candidates presented the following witnesses for their rebuttal: a) Sarah Dart; b) Darryl Bonner; c) Brian Lambrecht; d) Adam Didech (outreach organizer for the Libertarian Party); e) Crystal Green; f) Jacob Whitmer; and f) Andrew Jacobs⁵.

For their sur-rebuttal, the Objectors submitted into evidence, subject to the Candidates' objections, additional affidavits of Sarah Dart. (Objectors Group Exhibit 24). The Objectors also presented witness Carlos Rodriquez and notaries Morgan Kreitner (notary for Objectors' affidavit of Crystal Greene) and Kathleen Huxley (notary for Objectors' affidavit of Julius Hooks).

For their case-in-chief on their Rule 9 Motion, the Candidates admitted into evidence 175 Exhibits which consist of records from election authorities throughout the State of Illinois to refute certain findings made during the records examination pertaining to genuineness of signature and signer not registered at address shown. The Objectors did not introduce any rebuttal evidence for Candidates' Rule 9 Motion.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. Objectors' Objections

1. The Objectors' Burden of Proof

The Objectors bear the burden of proving by operation of law and by a preponderance of the relevant and admissible evidence that the objections are true and that the Candidates' petition is invalid. See *In re Bower*, 41 Ill. 2d 277, 285 (1968). See also Rule 11 of the Board's Rules of Procedures.

2. The Petition Sheets Circulated by Sharon Rosenblum who Previously Circulated Nominating Petitions for the Democratic Party.

In their Petition, the Objectors argue that petition pages circulated by Sharon Rosenblum should be stricken under Section 10-4 of the Election Code as Ms. Rosenblum circulated nominating petitions for a candidate (Wendy Jo Harmston) of the Illinois Democratic Party for the nomination of the office of Representative in the General Assembly for the 40th Representative District in the 2014 General Assembly Election. In support of this objection, the Objectors introduced into evidence the petition pages circulated by Ms. Rosenblum for the Libertarian Party (Objectors' Group Exhibit 1) and the pages circulated by Ms. Rosenblum for the Democratic candidate for the 2014 General Election (Objectors' Group Exhibit 2).

⁵ Jacob Whitmer and Andrew Jacobs testified via video conference via an iphone.

The relevant portion of Section 10-4 of the Election Code states: “No person shall circulate or certify petitions for candidates of more than one political party. . . to be voted upon at the next primary or general election, or for such candidates and parties with respect to the same political subdivision at the next consolidated election.” 10 ILCS §5/10-4. The Objectors rely upon the case of *Citizens for John W. Moore Party v. Board of Elec. Comm’rs of the City of Chicago*, 794 F.2d 1254 (7th Cir. 1986) and *Schoeber v. Young*, 322 Ill. App. 3d 996 (4th Dist. 2001) in support of the argument that the courts have upheld the dual circulation prohibition of Section 10-4 of the Election Code. In both cases, the facts are similar to the facts concerning Ms. Rosenblum; the circulator of petition pages for an independent party which sought nomination in the general election also circulated petition pages for a candidate of an established party for nomination in the primary party during the same election season. The courts in both cases held that the circulator was barred from circulating petitions for the independent party.

The Candidates make two arguments as to why Ms. Rosenblum’s petition sheets for the Libertarian Party should not be stricken. First, the Candidates rely upon *Sandveful v. Cunningham Twp. Officers Electoral Bd.*, 987 N.E. 2d 808, 812 (4th Dist. 2013) which holds that Section 10-4 of the Election Code does not prohibit a person from circulating petitions for a political party in a consolidated primary and later circulating a petition for an Independent candidate in a consolidated general election. The holding in *Sandveful* is limited to circulators in a consolidated election which is not the situation in the instant case. Therefore, the holding in *Sandveful* does not apply. Second, the Candidates argue that Section 10-4 does not apply but that Article 8 applies. In Article 8, there is no prohibition against circulators for legislative candidates circulating for more than one established party. However, Article 8 does not apply to an independent party seeking a nomination in the general election. Article 10 contains the applicable regulations.

Based on the foregoing, I recommend that the Board sustain the dual-circulation objection regarding Ms. Rosenblum. I further recommend the signatures that were not previously stricken during the Records Examination (*i.e.*, 1,184 signatures) be stricken.

3. The Petition Sheets Circulated by Darryl Bonner

For their pattern of fraud objection as to circulator Darryl Bonner, the Objectors presented evidence to support their argument that Mr. Bonner did not comply with 10 ILCS 5/10-4 in that he was not present at the time signatures were made on many of his petition sheets and he did not witness the signatures that appear on his petition sheets. (Objectors Group Exhibit 3). For their case in chief, the Objectors rely principally upon the affidavits of 198 individuals who signed Mr. Bonner’s petition sheets in downstate Illinois (*i.e.*, Adams County, Christian County, Sangamon County and Shelby County), and who attest that the individual in the photo affixed to the affidavit (which Candidates admit is a photo of Mr. Bonner) is “not the person who circulated the Libertarian Petition and presented it to me for my signature . . . [and] was not present when I signed the Libertarian Petition [and] [h]ad the person whose photo appears on this page been present, I would have recalled this person’s presence.” (Objectors’ Group Exhibit 4). In addition, the Objectors also rely upon the affidavits of a few of these signers (See Objectors Group Exhibit 4), the affidavits of other witnesses (Objectors’ Group Exhibit 6) as well as the

testimony of Carlos Rodriguez to establish that Mr. Bonner's petition sheets were circulated by a Caucasian man 50-55 years of age who sometimes wore a cowboy hat (Mr. Bonner is African American). Mr. Rodriguez, who the Objectors agreed was not testifying as an expert and whose hearsay testimony was objected to by the Candidates, testified to the same facts set forth in many of the affidavits, *i.e.* that he interviewed several witnesses in central Illinois who recall seeing a Caucasian man 50-55 years old who sometimes wore a cowboy hat and who was circulating petition pages. The Objectors also rely upon the testimony of Julia Fox who testified that she notarized Mr. Bonner's petition pages on a regular basis at a Starbucks in Arlington Heights.

For their rebuttal, the Candidates presented Mr. Bonner, a paid, professional petition circulator. Mr. Bonner testified that he circulated petition pages for the Libertarian Party in the Chicago-land area and also central Illinois. Mr. Bonner stated that on several occasions, his friend James Taylor or "JT", another professional petition circulator who resides outside of Illinois, picked him up at his hotel in Arlington Heights and the two of them drove to various areas in central Illinois in order to collect signatures at post offices and a gas station. Citing health, racial and other issues ("worried about . . . complaints about me or bugging someone." (Transcript at p. 223)), the two men decided that Mr. Taylor would collect the signatures on the Libertarian Party petition sheets, and Mr. Bonner would sit in the passenger seat of Mr. Taylor's car with the windows down or the door open. (Transcript at p. 287-288). Sometimes, Mr. Bonner sat outside his car (Transcript at p. 285). Mr. Bonner testified that he was always 20 feet away from Mr. Taylor so that he could hear Mr. Taylor and the signers' voices and witness the signers sign the petition pages. Mr. Taylor then handed the petition pages to Mr. Bonner at the end of the day. Mr. Taylor refused any form of payment from Mr. Bonner and said "it was more like a favor." (Transcript at p. 218). Consistent with Ms. Fox' testimony, Mr. Bonner testified that he met with her at the Starbucks in Arlington Heights in the evening hours on Thursdays where he presented Ms. Fox with all of the petitions he had completed up until that time. Sometimes he notarized his petition pages at the Arlington Heights City Hall.

Section 10-4 of the Election Code requires that the candidate's petition sheets contain signatures of qualified primary electors "in their own proper persons only" and that the circulator sign a statement under oath at the bottom of the petition sheet certifying that the signatures on the sheet were signed in his or her presence and are genuine. *Huskey v. Municipal Officers Electoral Board for the Village of Oak Lawn*, 156 Ill. App. 3d 201, 204-05 (1st Dist. 1987). Section 10-4 of the Election Code further provides that the result of non-compliance with the petition requirements is that "No signature shall be valid or be counted in considering the validity or sufficiency of such petition unless the requirements of this section are complied with." *Id.* (citing Section 10-4 of the Election Code).

In the instant case, Objectors contend that Mr. Bonner did not circulate many of his petition pages or otherwise witness the signatures on his petition pages, contrary to the affidavit he signed at the bottom of those pages. The Objectors argue that Mr. Bonner's conduct demonstrates a pattern of fraud and a disregard for the mandatory requirements set forth in Section 10-4 of the Election Code. Objectors request that all the petitions pages for Mr. Bonner be stricken.

In order to demonstrate a pattern of fraud with regard to a circulator's petition, the Objectors have the burden of demonstrating by a fair preponderance of the evidence that the circulator had acted fraudulently in obtaining false signatures. See *In re Bower*, 41 Ill. 2d 277,285 (1968). See also Rule 11 of the Board's Rules of Procedure.

During closing argument and in their post-trial brief, the Objectors contend that Mr. Bonner's testimony is unbelievable. Specifically, Objectors argue that a review of the dates that Mr. Bonner's petition sheets were notarized (in Arlington Heights, Illinois) and the downstate locations from which these signatures were gathered in "spell out a quite improbable circulation pattern, that would have had Mr. Bonner criss-crossing the state in a completely illogical (and perhaps physically impossible) fashion to collect signatures." Objectors' Post-Trial Brief at p. 4. (See Objectors Group Exhibits 3A – 3J which categorizes Mr. Bonner's petition sheets by notary dates). The Objectors also argue that it defies common sense that none of the petition signers could see Mr. Bonner (he is approximately 6'6") if he in fact was sitting in a car with his door open or outside of his car, and that despite driving back and forth between Arlington Heights and central Illinois 8 to 10 times, Mr. Bonner could not identify many of the roads that he traveled.

I similarly find Mr. Bonner's testimony implausible. Mr. Bonner testified that on those days that Mr. Taylor collected the signatures for Mr. Bonner, Mr. Taylor drove up from his friend's house in Shelbyville Illinois to pick up Mr. Bonner at his motel in Arlington Heights, Illinois (Transcript at 214, 230). Then, the two of them would drive back down to central Illinois (Transcript at p. 230-231). Later in the evening, Mr. Taylor would drive Mr. Bonner back to his motel in Arlington Heights. (Transcript at p. 231). With regard to the timing of the notarizations of the petition sheets from different parts of the state, Mr. Bonner testified that he submitted all of his sheets to the notary every time he had his sheets notarized (Transcript at p. 225, 241, 244).⁶ Mr. Bonner's petition sheets were notarized in Arlington Heights on the following dates at approximately 7:30 p.m. (Transcript at p. 245) at which time he presented petition pages from the following counties:

- a. March 31st: Cook (13 sheets); McHenry (6 sheets)
(Objectors' Group Exhibit 3A)
- b. April 7th: Cook (20 sheets); Christian (9 sheets); Shelby (6 sheets)
(Objectors' Group Exhibit 3B)
- c. April 10th: Cook (5 sheets); McHenry (6 sheets)
(Objectors' Group Exhibit 3C)
- d. April 15th: Cook (8 sheets); McHenry (2 sheets)
(Objectors' Group Exhibit 3D)
- e. April 17th: Cook (3 sheets); Christian (10 sheets); Sangamon (8 sheets);
Shelby (1 sheet) (Objectors' Group Exhibit 3E)

⁶ Mr. Bonner's testimony at the end of a line of questioning during cross-examination that he may have forgotten to submit a few pages to the notary (Transcript at p. 348) is suspect, given his earlier repeated and oftentimes adamant testimony that "Everything I had, I gave to her." (Transcript at p. 241).

- f. April 21st: Adams (6 sheets); Cook (14 sheets); McHenry (10 sheets); Sangamon (12 sheets) (Objectors' Group Exhibit 3F)
- g. April 24th: Cook (3 sheets) (Objectors' Group Exhibit 3G)
- h. April 28th: Cook (11 sheets); DuPage (9 sheets); Sangamon (6 sheets) (Objectors' Group Exhibit 3H)

Based upon Mr. Bonner's testimony, in a 2 day period (April 15th-17th), Mr. Bonner collected signatures in Cook County and also in the central Illinois counties of Christian (approximately 218 miles from Arlington Heights), Sangamon (approximately 207 miles from Arlington Heights) and Shelby (approximately 233 miles from Arlington Heights). More far-fetched is that during a 4 day period (April 17th-21st), Mr. Bonner collected signatures in Cook County and McHenry County and also the western Illinois County of Adams (approximately 316 miles from Arlington Heights) as well as the central Illinois County of Sangamon.

I also find it unlikely that if Mr. Bonner, a 6 foot 6 inch African American male, was truly sitting in Mr. Taylor's car with the door open or outside of his car only 20 feet away from the petition signer, that 198 petition signers would not have seen him. The Objectors' produced evidence from 198 individuals in downstate Illinois who attested that Mr. Bonner "was not present when I signed the Libertarian Petition [and] [h]ad the person whose photo appears on this page been present, I would have recalled this person's presence." The Candidates did not rebut this evidence.

Mr. Bonner also had a difficult time remembering many of the details of his road trips with Mr. Taylor. Mr. Bonner could not identify or describe many of the roads that he traveled. He testified that the 316 mile trip from Arlington Heights to Quincy took 3.5 hours. (Transcript at p. 222) at which he arrived at 7:00 a.m. (Transcript at p. 264) and left around 6:00 or 7:00 p.m. (Transcript at p. 269). Early in his testimony, Mr. Bonner testified that he spent "maybe a couple of days or so" in central Illinois with Mr. Taylor (Transcript at p. 224) but later testified it was "6, maybe 8" (Transcript at p. 234) and later "maybe 10 times." (Transcript at p. 259).

Based on the foregoing, I find that Mr. Bonner falsely signed the circulator affidavits of 56 petition pages. I also find that the Objectors met their burden of demonstrating a pattern of fraud with regard to Mr. Bonner. Accordingly, under the holdings of *Harman v. Town of Cicero Municipal Officers Electoral Board*, 371 Ill. App. 3d 1111 (1st Dist. 2007); *Canter v. Cook County Officers Electoral Board*, 170 Ill. App. 3d 364 (1st Dist. 1988); and *Huskey v. Municipal Officers Electoral Board for the Village of Oak Lawn*, 156 Ill. App. 3d 201 (1st Dist. 1987), I recommend that the objection regarding Mr. Bonner's petition sheets be sustained and that all 230 of his petitions sheets and remaining valid 3,078 signatures be stricken.

4. The Petition Sheets Circulated by Sarah Dart

The objection with regard to circulator Sarah Dart is the same objection that the Objectors made with regard to Mr. Bonner, *i.e.* that Ms. Dart engaged in a pattern of fraud, and she did not comply with 10 ILCS 5/10-4 in that she was not present at the time signatures were made on the petition sheet and she did not witness the signatures that appear on her petition sheets.⁷ For their case in chief, the Objectors rely principally upon the affidavits of 72 individuals who signed Ms. Dart's petition and who attest that the individual in the photo affixed to the affidavit (which Candidates' admit is a photo of Ms. Dart) is "not the person who circulated the Libertarian Petition and presented it to me for my signature . . . [and] was not present when I signed the Libertarian Petition." (Objectors' Group Exhibit 9). In addition, the Objectors also rely upon the affidavits of 7 individuals who testified that the signature on Ms. Dart's petition papers was not their signature. (Objectors' Group Exhibit 10).

For their rebuttal to this objection, the Candidates' presented Ms. Dart. Ms. Dart's appearance at the hearing was very different than the appearance in the photo affixed to the Objectors Group Exhibit 9 in large part because of Ms. Dart's hairdo. In the photo affixed to Objectors' affidavit, Ms. Dart has a large afro. At the hearing, Ms. Dart wore a wig which covered her afro and consisted of straight black hair. Ms. Dart's appearance in her driver's license photo (Candidate's Exhibit A-2) reflects yet another look for Ms. Dart as she appears to be wearing a lighter color wig. At the hearing, Ms. Dart testified that from March 31, 2014 through May, she was paid to circulate petition papers for the Libertarian Party. She also testified that during this time period, she often wore one of her different colored wigs or a cap to cover her afro because of the cold spring that Chicago was experiencing this year. (Transcript at p. 131-133). Ms. Dart testified that she witnessed the signatures of all the individuals who signed her petition pages. (Transcript at p. 156-157). She also testified that her sister sometimes accompanied her when she was circulating the petitions. (Transcript at p. 154).

In further support of their rebuttal to this objection, the Candidates presented Crystal Greene, a signer of Ms. Dart's petition page number 1492 (line 16) who purportedly also signed an Objector's affidavit attesting that the individual in the affixed photo was not the circulator of the petition page that she signed. Ms. Greene testified that she did not sign the Objectors' affidavit but that she did sign the petition page circulated by Ms. Dart. Ms. Green also testified that another African American woman accompanied Ms. Dart and identified Ms. Dart as the woman in the photo affixed to Objectors' Group Exhibit 9.

The Candidates also admitted into evidence the affidavit of Julieus Hooks (Candidate's Exhibit C-1), as well his audio recording and the testimony of Adam Didech, a Libertarian outreach organizer who obtained the affidavit from Mr. Hooks.⁸ In his affidavit, as confirmed by the audio recording and testimony of Mr. Didech, Mr. Hooks recants and revokes the statements made in Objectors' Affidavit.

For their sur-rebuttal, the Objectors presented the witness of two notaries who notarized the Objectors affidavits, *i.e.* Morgan Kreitner and Caitlin Huxley. Mr. Kreitner testified that she

⁷ The Sarah Dart petition sheets are admitted into evidence as Objectors' Group Exhibit 8.

⁸ Mr. Hooks' signature appears on page 1492, line 5 of Ms. Dart's petition page.

witnessed Ms. Greene sign the Objectors' affidavit, and Ms. Huxley testified that she witnessed Mr. Hooks sign the Objectors' affidavit. In addition, Ms. Kreitner and Ms. Huxley, as well as Mr. Rodriguez testified that they assisted with the Objectors' affidavits regarding Ms. Dart and that some of the petition signers, when shown the photo of Ms. Dart with the afro, did identify Ms. Dart as the individual who was present when they signed the Libertarian Party petition. The Objectors also introduced into evidence an additional 23 affidavits which include the same statements set forth in Objectors Group Exhibit 8. (Objectors Group Exhibit 24).⁹

The Objectors also introduced evidence regarding Ms. Dart's address to contest her credibility. The Objectors relied upon the investigative report and testimony of Mr. Rodriguez who testified that one of his investigators reported that Ms. Dart owns the St. Paul Street Property (as defined above at p. 4) but has renters residing at that address. A skip trace conducted by Mr. Rodriguez located a potential residence at 8149 S. Dorchester Ave. (the "S. Dorchester Property"). Mr. Rodriguez' investigative team eventually found Ms. Dart at the S. Dorchester Property as Ms. Dart was identified by neighbors to the S. Dorchester Property when she was parking her car behind the property. (Transcript at p. 380). Mr. Rodriguez testified that when he first confronted Ms. Dart, she denied her identity although she eventually identified herself. Objectors also introduced into evidence an August 5, 2012 handwritten correspondence between Ms. Dart and a neighbor of the S. Dorchester Property which states: "Hi, this is Sarah your neighbor at 8149." (Objector's Exhibit 23).

At the hearing, Ms. Dart testified that her residence is the St. Paul Street Property and that her friend lives at the S. Dorchester Property. Ms. Dart explained that she recently opened a restaurant on 11028 S. Halsted and that she stays at her friend's apartment at the S. Dorchester Property because it is only 15 minutes from the restaurant whereas her home is 45 minutes from the restaurant. (Transcript at p. 125-126). The Candidates also admitted into evidence a deed and Com Ed bills which reflect that Ms. Dart is the owner of the W. St. Paul Street Property (Candidates' Group Exhibit E). Ms. Dart explained that she was staying at the S. Dorchester Property in 2012 and "off and on, probably about three years or more." (Transcript at p. 152-153). During cross examination, Ms. Dart stated that she denied her identify because she did not know the purpose of Mr. Rodriguez' interview. (Transcript at p. 134-135). She also admitted that she told Mr. Rodriguez during his first interview of her that she lived at the S. Dorchester Property. (Objectors later admitted into evidence a video clip taken by Mr. Rodriguez whereby Ms. Dart stated as such (Objector's Exhibit 12)). The testimony of both Mr. Rodriguez and Ms. Dart reflect that Ms. Dart was afraid and was not necessarily aware of the purpose of Mr. Rodriguez' first interview. (Transcript at p. 135-136; 143, 382).

The Objectors contend that Ms. Dart's testimony is unbelievable. The Objectors take issue with the large number of petitions collected by Ms. Dart in such a short period of time. The Objectors rely upon 7 affidavits of individuals who attest that it is not their signature on Ms. Dart's petition page. The Objectors also argue that Ms. Dart did not look "so starkly different

⁹ Candidates objected to these exhibits as they should have been included with the case-in-chief disclosure pursuant to the case management order. I admitted the exhibits into evidence for purposes of the record. However, I recommend that they be stricken as they should have been produced as part of the Objectors' case-in-chief. They were not included because they were not signed until after the disclosure deadline. The Objectors should not be allowed to admit evidence into the record on sur-rebuttal that would otherwise be barred.

from one hairdo to the next such that she is not recognizable in the picture used by the Objectors in their affidavits.” (Objectors’ Post-Trial Brief at p. 12). The Objectors also point to the testimony of Ms. Greene, Ms. Kreitner, Ms. Huxley and Mr. Rodriguez who testified that petition signers did in fact recognize Ms. Dart with an afro. The Objector further contend that Ms. Dart’s credibility must be questioned given her statements to Mr. Rodriguez regarding her address.

I find Ms. Dart a credible witness. Ms. Dart clearly had an incentive to collect numerous signatures as she was being paid for each signature she collected. (Transcript at p. 128-129). There was no evidence produced that demonstrated that it was impossible for Ms. Dart to collect the number of signatures that she collected. Moreover, I did find Ms. Dart’s appearance at the hearing, and on her drivers’ license, to be dramatically different than the appearance in her photo attached to the Objectors affidavits, in large part because of her hairdo. Ms. Dart testified that the type of hairdo she selects is oftentimes dictated by the weather. When it is cold and windy, like it sometimes was in March through April in Chicago, Ms. Dart testified that she wore a wig or cap. She wears her afro in warmer months. A review of the temperatures in April and May 2014, the time period in which Ms. Dart claims that she circulated, show that the temperatures varied wildly spanning from a low of 27 (in April) and a high of 93 (in May). See http://www.wunderground.com/history/airport/KMDW/2014/4/1/MonthlyHistory.html?req_city=NA&req_state=NA&req_statename=NA and Exhibit A attached hereto which includes pages for April and May 2014 temperatures from wunderground.com. With regard to the 7 Objectors’ affidavits in which the affiants include samples of his or her signature attesting that it is not his or her signature on Ms. Dart’s petition page, I find with regard to 5 of the affidavits, the affiant’s sample signature is similar to the signature on Ms. Dart’s petition page. With regard to the address issue, I find Ms. Dart’s explanations credible, *i.e.*, that she was frightened and uncertain about Mr. Rodriguez.

For the foregoing reasons, I find that the petition sheets attributed to Ms. Dart satisfy the requirements set forth in 10 ILCS 5/10-4 in that the petitions signers signed in Ms. Dart presence and she did see each signature being made. Therefore, I recommend that the pattern of fraud objection pertaining to Ms. Dart be overruled.¹⁰

5. The Petition Sheets Circulated by Brian Lambrecht

For their objection to the petition sheets circulated by Brian Lambrecht, the Objectors presented one affidavit of a purported signer of a petition page circulated by Mr. Lambrecht attesting that the signature on the petition sheet is not genuine. (Objector’s Exhibit 13). For their rebuttal, the Candidates presented Mr. Lambrecht who testified that he was a volunteer circulator for the Libertarian Party and that he circulated the petition pages that he signed as a circulator. No other evidence was introduced by the parties.

As an initial matter, the Objectors fail to meet their burden of proof in demonstrating any of their objections with regard to Mr. Lambrecht. The only piece of evidence introduced for Mr.

¹⁰ Although I found the testimony of Ms. Kreitner, Ms. Huxley, Mr. Rodriguez and Mr. Didech to be credible, the testimony of Ms. Greene on the Candidate’s direct examination and the affidavit of Mr. Hooks is irrelevant given Ms. Dart’s testimony.

Lambrecht was one affidavit from a petition signer. In any event, I find Mr. Lambrecht's testimony credible and therefore recommend that the objection regarding Mr. Lambrecht's petition sheets be overruled.

6. The Petition Sheets Circulated by Andrew Jacobs and Jacob Whitmer

Circulators Andrew Jacobs and Jacob Whitmer live nomadic, transitory lives as professional paid petition signers. On his circulator affidavits, Andrew Jacobs states that he resides at 525 W. Main Ave., E. West Fargo, North Dakota (the "West Fargo Property"). The Objectors admitted into evidence a website page that demonstrates that the West Fargo Property is a Howard Johnson motel. (Objectors' Group Exhibit 17). During his testimony on the Candidates' rebuttal, Ms. Jacobs admitted that the West Fargo Property is a motel. This is also the address reflected on his drivers' license. (Candidates Exhibit A-5). Mr. Jacobs also testified that the last time he stayed at the West Fargo Property was a year ago. (Transcript at p. 357). Because of his profession, Mr. Jacobs stated that he travels all over the country often staying at hotels, houses and cars. He does not get mail. (Transcript at p. 350). He was registered to vote and did vote in Pennsylvania in 2012 when he was visiting his family. He incorporated a company in Wyoming. (Transcript at p. 359). He states that he intends to return to North Dakota someday. (Transcript at p. 357, 362-363, 366).

Jacob Whitmer maintains a similar nomadic existence. On his circulator affidavits, Mr. Whitmer states that he resides at 6402 Hampton Drive, Anchorage, Alaska (the "Anchorage Property"). His affidavit attests to the same and although he testified that his drivers' license reflects the Anchorage Property, a copy of it was never introduced into evidence. The Objectors admitted into evidence copies of various websites that show that Mr. Whitmer has been involved in corporations reflecting addresses located in Illinois, Wyoming and Nevada. (Objectors Group Exhibit 17). During his testimony, Mr. Whitmer did not dispute the various addresses. He also testified that he stays at the 1039 Everett, Des Plaines Illinois address periodically because it is his mother's residence (Transcript at p. 307) and that he not been back to Alaska since 2006. (Transcript at p. 322).

The circulator affidavit at the bottom of the petition page, which must also "state[e] the street address or rural route number, as the case may be, as well as the country, city village or town and state", is a mandatory requirement of the Election Code. 10 ILCS 5/7-10; *Cunningham v. Schaefflein*, 969 N.E. 2d 861, 869 (1st Dist. 2012). "[O]ne purpose of the address is to protect the integrity of the electoral process by furnishing the circulator's address which enables the Board to locate her, question her about the signatures and her responsible for her oath." *Sakonyi v. Lindsey*, 261 Ill. App. 3d 821, 825-26 (1st Dist. 1994). The Illinois Courts have refused to strike down a circulator's petition pages when a circulator's address has a mistake in it (*Cunningham*) or when the circulator's address is found elsewhere in the nomination papers (*Sakonyi*) and have noted that the ruling may be different if there is a complete failure to record any address or when the circulator acts in an effort to mislead the Board. *Cunningham*, 969 N.E. 2d at 871.

With regard to Mr. Jacobs and Mr. Whitmer, clearly, the purpose of including the circulator's address has been served as both men appeared to testify before the board. The

Illinois Courts have indicated that it may rule to strike a petition page if the circulator acts in an effort to mislead the Board. However, there is insufficient evidence in the record to suggest that either Mr. Jacobs or Mr. Whitmer tried to mislead the Board by stating an address for which they have some connection. Given the nomadic lifestyle of many of these professional petition signers, it is difficult to determine where any of them actually do reside. However, given the evidence and the law on this issue, I recommend that the address objections pertaining to Mr. Whitmer and Mr. Jacobs be overruled.

7. The Petition Sheets signed by Ryan Meszaros

The address reflected on Ryan Meszaros' petition sheet is 2988 S Archer Ave., Chicago, Illinois ("Archer Ave. Property"). Like the objections for Messrs. Whitmer and Jacobs, the Objectors contend that Mr. Meszaros does not reside at this address and therefore all his petition papers (Objectors Group Exhibit 18) should be stricken. For their case in chief, the Objectors introduced into evidence an investigative report and affidavit (Objectors Group Exhibit 19) and hearsay testimony of Mr. Rodriquez (as objected to by the Candidates) who testified that a woman living in Apt 2 Rear at the Archer Ave. Property has lived there since July 2013 although Mr. Meszaros still receives mail at the property. The Candidates did not produce any rebuttal evidence.

The investigative report, affidavit and testimony of Mr. Rodriquez regarding his conversations with a woman on the Archer Ave. Property is clearly hearsay and should be stricken from the record. Moreover, even if the evidence is admissible, the Objectors' burden still is not met as the investigation only pertained to one apartment in the Archer Ave. Property. The address reflected on Mr. Meszaros' circulator affidavits does not state an apartment number so Mr. Meszaros may reside in one of the other apartments located there. The fact that Ms. Meszaros still receives mail at this property supports this possibility. Accordingly, I recommend that the objection pertaining to Mr. Meszaros be overruled.

8. The Petition Sheets signed by Olynthia Jackson.

The Objectors argue that Olynthia Jackson's petition sheets, namely sheets 28, 304, 334 and 348 should be stricken because they are illegible. (Objectors Group Exhibit 21). While it is true that the copies of petition pages introduced into evidence by the Objectors are illegible as the top portion of each sheet is blank, a review of the original petition sheets indicate that they are legible. Therefore, I recommend that the objection pertaining to Olynthia Jackson be overruled.

9. The Petition Sheets of Derek Farr

The objectors contend that Derek Farr engaged in a pattern of fraud because there are two petition sheets (1124 and 1589) circulated by Mr. Farr which contain many of the same petition signers (Objectors Group Exhibit 22). The Objectors contend that these petition sheets evidence an attempt to roundtable and that all of Mr. Farr's petition sheets and remaining valid signatures (334) be stricken. While it is true that the Candidates did not submit any evidence to refute this claim, I do not believe these two petition pages are sufficient on their own to demonstrate a

pattern of fraud under the principles of *Canter*, *Huskey* and *Fortas* or under the Board's Rules of Procedure so that all of Mr. Farr's collected valid signatures be stricken. *In Re Bower*, 41 Ill. 2d 277, 284 (1968). However, I do recommend that the remaining valid signatures on these two petitions pages (7 signatures) be stricken.¹¹

10. Petition Sheet 1233

The Objectors contend that petition sheet 1233 is neither signed by a notary nor does it bear a notary's stamp. Each petition sheet must contain a circulator's affidavit that is sworn to before a notary. *Schaefflein v. Cunningham*, 969 N.E. 2d 861, 874 (1st Dist. 2012). Because petition sheet 1233 does not contain a sworn circulator's affidavit, the sheet is invalid and the signatures should be stricken. Therefore, I recommend that the five (5) valid signatures on petition sheet 1233 examination be stricken

11. The Pattern of Fraud Argument

For their pattern of fraud argument, the Objectors rely upon *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E. 2d 996 (1st Dist. 2007) and contend that all the petition sheets of the four (4) circulators whose signatures are at least 50% invalid following the records examination should be stricken. In support of this argument, the Objectors submit an excel spreadsheet attached to the Post-Trial Brief. The Objectors also argue that each petition sheet circulated by circulators identified in the Objectors Petition on which at least 50% of the signatures are invalid should also be stricken. In support of this argument, the Objectors submit a second excel spreadsheet.

I recommend that the *Harmon* pattern of fraud objection be overruled. In *Harmon*, the Appellate Court noted that the Cook County Electoral Board "provided us with several distinct bases for its ruling," one of which was that the county clerk found 50% or more of the signatures on certain pages of each candidate's petition to be invalid. *Harmon*, 371 Ill. App. 3d at 1116. However, as correctly pointed out by the Candidates in their Post-Trial Brief, "*Harmon* does not stand as a guidepost for pattern of fraud cases, but as a re-affirmation on the principles of deference to electoral board findings during judicial review." (Candidates' Memorandum of Law in Opposition to Verified Objectors' Petition, at p. 6). As explained by the First District Appellate Court in a subsequent case, "[W]hen this court affirmed the Board's decision in *Harmon*, we did not hold that the Board is required to strike an entire sheet of signatures when a certain percentage of the signature therein are found to be 'not genuine' but rather affirmed the Board's exercise of its discretion in that case." *Crossman v. Bd of Election Comm'rs of Chicago*, 966 N.E.2d 518, 521 (1st Dist. 2012). In addition, the Board Rules of Procedures state: "[T]he sheer number of invalid signatures on a petition, or on sheets circulated by a specific circulator, without an accompanying allegation of specific fraudulent conduct, shall not by itself establish a pattern of fraud." Appendix A of the Board's Rules of Procedure. The fact that some of the circulators exhibit a low percentage rate in total or on some of their petition pages is not a basis

¹¹ Even if all of Mr. Farr's 344 valid signatures were stricken, the Candidates would still have a sufficient number of signatures to remain on the ballot.

alone to invalidate all of their signatures.¹² Therefore, I recommend that the Harmon objection be overruled.

B. The Candidates' Rule 9 Motion

For the Candidates' case-in-chief on their Rule 9 Motion, the Candidates submitted evidence in the form of 175 Exhibits from election authorities throughout the State of Illinois in order to rebut objections pertaining to genuineness of signature and incorrect address which were sustained during the Records Examination. Attached as Hearing Officer Exhibit B is the Candidates' Exhibit List which identifies the exhibit number, page number, line number, voter name, voter address, city, county and basis for appeal ("A" means the signer's signature is genuine; "B" means the signer is registered to vote at the address shown; and "D" means the signers address was adequately stated on the petition.). I added a column identified as "R" for my recommendations for each line item. "O" means I recommend that the ruling at the Records Examination be overruled. "S" means I recommend that the ruling at the records examination be sustained. It is worth noting that on many of the address objections (i.e. "B"), the signers address was slightly incorrect on the petition sheet. Either the address number was off or the direction was incorrect. If the records from the election authority provided by the Candidates show a correct address for the registered voter on the petition sheet and the address on the petition sheet is slightly incorrect, I recommended that the ruling be overruled. See *Davis v. Reed*, 04-EB-WC-81, CBEC (February 6, 2004). Based upon my recommendation as reflected in the Hearing Officer Exhibit B, I recommend that the Candidates Rule 9 Motion with respect to 66 signatures be overruled.

III. CONCLUSION

The hearing officer recommends the following:

1. The dual-circulation objection referring to Ms. Rosenblum should be sustained and the petition pages circulated by Ms. Rosenblum, as well as the 1,184 valid signatures contained therein should be stricken.
2. The objection regarding Mr. Bonner's petition pages should be sustained and the petition pages circulated by Mr. Bonner, as well at the 3,078 valid signatures contained therein should be stricken.
3. The objection regarding Ms. Dart's petition pages should be overruled (2,878 valid signatures).
4. The objection pertaining to Mr. Lambrecht should be overruled.
5. The objection pertaining to Mr. Jacobs should be overruled (980 valid signatures).

¹² Based on the Objectors' excel sheets submitted as part of the their Post-Trial Brief, Circulators Durden, Farr, Leon and Moore, whose signatures are at least 50% invalid have a total of 1,386 valid signatures after the records examination. The petition sheets circulated by circulators identified in the Objectors Petition on which at least 50% of the signatures submitted are invalid have a total of 2166 valid signatures after the records examination.

6. The objection pertaining to Mr. Witmer should be overruled (672 valid signatures).

7. The objection pertaining to Mr. Meszaros should be overruled (57 valid signatures).

8. The objection pertaining to Ms. Johnson should be overruled.

9. The objection pertaining to Mr. Farr should be sustained with regard to petition pages 1124 and 1589 and the 7 remaining valid signatures on those two pages should be stricken.

10. The objection pertaining to Sheet 1233 should be sustained and 5 signatures should be stricken.

11. The Objectors' *Harmon* pattern of fraud objection should be overruled.

12. The Objectors' Rule 9 Motion be denied in part and granted in part in accordance with Hearing Officer Exhibit B which reflects my recommendation that 66 signature rulings be overruled.

13. The Candidates needed 25,000 signatures to be on the ballot. The Candidates submitted 42,986 signatures. There were 23,667 objections ruled on by the Board at the Records Examination and 12,789 objections were sustained leaving 30,197 valid signatures. The Candidates have 25,989 signatures based upon the foregoing specific recommendations:

- a. 1,184 signatures being stricken for the dual-circulation objection;
- b. 3,078 signatures being stricken from Mr. Bonner's petition pages;
- c. 7 signatures being stricken from Mr. Farr's petition pages;
- d. 5 signatures being stricken for the notary objection on Sheet 1233; and
- d. 66 signatures being added under the Candidates' Rule 9 Motion.

18. The new political party petition papers of the Libertarian Party and their candidates for statewide office in the State of Illinois Candidates are sufficient and therefore the Libertarian Party does qualify as a new political party at the 2014 General Election and all of the Candidates' names for the Libertarian Party should be printed on the official ballot at the General Election to be held on November 4, 2014.



Dated: August 15, 2014

Kelly McCloskey Cherf
Hearing Officer

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OF OBJECTIONS TO THE PETITION PAPERS FOR
CANDIDATES OF NEW POLITICAL PARTIES IN THE STATE OF ILLINOIS

LOU ATSAVES AND GARY GALE,

Petitioner-Objectors,

v.

THE LIBERTARIAN PARTY AS A
PURPORTED NEW POLITICAL PARTY IN
THE STATE OF ILLINOIS; CHAD GRIMM
AS A CANDIDATE FOR GOVERNOR;
ALEXANDER CUMMINGS AS A
CANIDATE FOR LIEUTENANT
GOVERNOR; BEN KOYL AS A
CANDIDATE FOR ATTORNEY GENERAL;
JULIE FOX AS A CANIDATE FOR
COMPTROLLER; CHRISTOPHER MICHEL
AS A CANDIDATE FOR SECRETARY OF
STATE; MATTHEW SKOPEK AS A
CANDIDATE FOR TREASURER; AND
SHARON HANSEN AS A CANDIDATE
FOR UNITED STATES SENATE,

Respondent-Candidates.

Case. No.: 14 SOEB GE 515

NOTICE

A copy of the Hearing Officer's Findings and Recommendations was served upon the parties on August 15, 2014. Exceptions to the Findings and Recommendation should be filed with the State Board of Elections by August 19, 2014. This matter will be presented to the State Board of Elections as the duly constituted State Officers Electoral Board at a hearing on August 22, 2014 at 10:30 a.m. at the James R. Thompson Center, 100 W. Randolph, Chicago, Illinois, 60601.

Dated: August 15, 2014



Kelly McCloskey Cherf
Hearing Officer

Weather History for Chicago Midway, IL

View Current Weather In Chicago Midway, IL
Change the Weather History Date:

April

1

2014

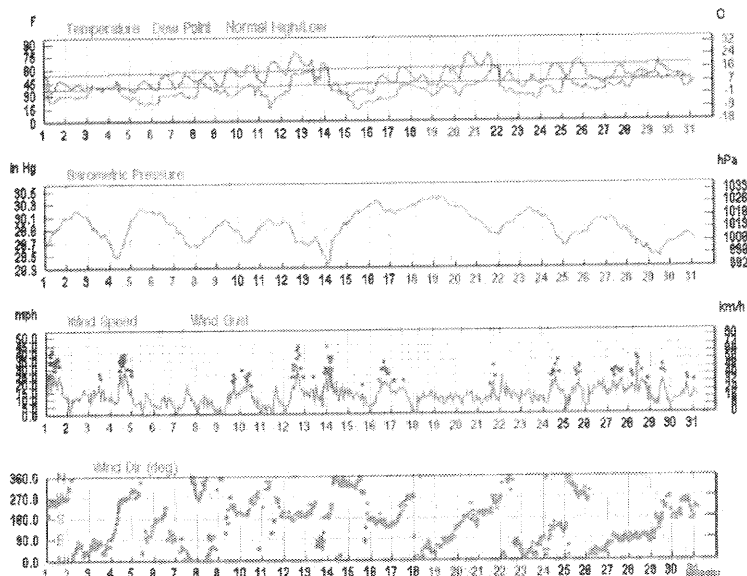
View

Month of April, 2014

< Previous Month
Next Month >

Daily	Weekly	Monthly	Custom		
		Max	Avg	Min	Sum
Temperature					
Max Temperature		80 °F	60 °F	38 °F	
Mean Temperature		69 °F	50 °F	33 °F	
Min Temperature		59 °F	40 °F	27 °F	
Degree Days					
Heating Degree Days (base 65)		32	15	0	447
Cooling Degree Days (base 65)		4	0	0	5
Growing Degree Days (base 50)		18	3	0	91
Dew Point					
Dew Point		62 °F	35 °F	12 °F	
Precipitation					
Precipitation		1.08 in	0.12 in	0.00 in	3.25 in
Snowdepth		1.0 in	1.0 in	1.0 in	-
Wind					
Wind		32 mph	12 mph	0 mph	
Gust Wind		43 mph	25 mph	16 mph	
Sea Level Pressure					
Sea Level Pressure		30.40 in	29.94 in	29.35 in	

Monthly Weather History Graph



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Trip Planner

Search our weather history database for the weather conditions in past years. The results will help you decide how hot, cold, wet, or windy it might be!

Date:

Submit

Astronomy

Apr. 01, 2014	Rise	Set
Actual Time	6:33 AM CDT	7:16 PM CDT
Civil Twilight	6:05 AM CDT	7:44 PM CDT
Nautical Twilight	5:32 AM CDT	8:17 PM CDT
Astronomical Twilight	4:58 AM CDT	8:52 PM CDT
Moon	7:34 AM CDT [4/1]	9:40 PM CDT [4/1]
Length of Visible Light	13h 38m	
Length of Day	12h 42m	

Waxing Crescent, 5% of the Moon is Illuminated




























Apr 1	Apr 7	Apr 15	Apr 22	Apr 29
Waxing Crescent	First Quarter	Full	Last Quarter	New

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Weather History Calendar

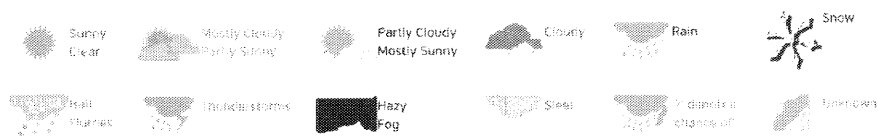
Precipitation Actual month total **3.25** Normal Month Total: **3.64**

« Previous Month « 2013 April 2014 2015 » Next Month »

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						
		Actual:	Actual:	Actual:	Actual:	Actual:
		57 | 34 0.00	45 | 36 T	42 | 37 1.08	46 | 35 0.01	49 | 33 0.00
		Average:	Average:	Average:	Average:	Average:
		53 | 36 0.11	54 | 37 0.12	54 | 39 0.11	55 | 38 0.11	55 | 38 0.11
6 	7 	8 	9 	10 	11 	12 
Actual:	Actual:	Actual:	Actual:	Actual:	Actual:	Actual:
56 | 36 0.00	55 | 37 0.00	57 | 40 0.02	63 | 36 0.00	64 | 44 0.00	70 | 41 0.00	80 | 52 0.00
Average:	Average:	Average:	Average:	Average:	Average:	Average:
55 | 38 0.12	56 | 39 0.12	56 | 39 0.12	57 | 39 0.12	57 | 40 0.13	57 | 40 0.12	58 | 41 0.12
13 	14 	15 	16 	17 	18 	19 
Actual:	Actual:	Actual:	Actual:	Actual:	Actual:	Actual:
72 | 46 0.45	64 | 31 0.16	38 | 27 T	52 | 31 0.00	63 | 43 0.00	51 | 39 0.00	64 | 38 0.00
Average:	Average:	Average:	Average:	Average:	Average:	Average:
58 | 41 0.12	59 | 41 0.12	59 | 42 0.12	60 | 42 0.13	60 | 42 0.12	60 | 43 0.13	61 | 43 0.12
20 	21 	22 	23 	24 	25 	26 
Actual:	Actual:	Actual:	Actual:	Actual:	Actual:	Actual:
78 | 47 0.00	78 | 59 0.51	60 | 40 0.00	51 | 37 0.02	64 | 41 0.01	69 | 47 0.24	60 | 40 0.01
Average:	Average:	Average:	Average:	Average:	Average:	Average:
61 | 43 0.12	62 | 44 0.13	62 | 44 0.12	62 | 44 0.12	63 | 45 0.12	63 | 45 0.12	64 | 45 0.13
27 	28 	29 	30 			
Actual:	Actual:	Actual:	Actual:			
61 | 42 0.03	58 | 47 0.48	67 | 50 0.11	53 | 46 0.12			
Average:	Average:	Average:	Average:			
64 | 46 0.13	64 | 46 0.13	65 | 46 0.13	65 | 47 0.12			

Print This Weather Calendar

Calendar Legend



Daily Weather History & Observations

2014	Temp. (°F)			Dew Point (°F)			Humidity (%)			Sea Level Press. (in)			Visibility (mi)			Wind (mph)			Precip. (in)	Events
Apr	high	avg	low	high	avg	low	high	avg	low	high	avg	low	high	avg	low	high	avg	high	sum	
1	57	46	34	44	29	22	69	54	33	30.10	29.90	29.68	10	10	10	32	18	41	0.00	
2	45	41	36	31	28	26	73	61	45	30.19	30.14	30.07	10	10	10	18	11	21	T	Rain
3	42	40	37	40	37	31	100	93	67	30.06	29.87	29.69	10	5	1	26	13	33	1.08	Rain , Thunderstorm
4	46	41	35	46	36	25	100	83	53	30.02	29.63	29.47	10	7	0	30	16	40	0.01	Fog , Rain
5	49	41	33	28	23	18	76	49	19	30.23	30.17	30.05	10	10	10	16	8	19	0.00	
6	56	46	36	30	26	19	60	45	26	30.19	30.08	29.96	10	10	10	14	7	20	0.00	
7	55	46	37	33	29	27	76	52	25	29.95	29.75	29.63	10	10	10	20	8	24	0.00	
8	57	49	40	46	39	28	93	68	41	29.94	29.77	29.64	10	9	6	16	6	20	0.02	Rain
9	63	50	36	37	31	26	82	48	17	30.03	29.96	29.87	10	10	8	21	9	27	0.00	
10	64	54	44	42	37	28	63	47	28	29.93	29.79	29.70	10	10	10	24	11	31	0.00	
11	70	56	41	35	25	16	63	32	9	30.05	29.99	29.96	10	10	10	20	6	25	0.00	
12	80	66	52	55	44	29	63	43	21	30.02	29.84	29.68	10	10	10	31	14	43	0.00	
13	72	59	46	62	52	44	100	83	56	29.78	29.64	29.48	10	8	2	29	14	43	0.45	Rain
14	64	48	31	61	38	29	96	86	65	30.00	29.75	29.35	10	6	1	30	16	39	0.16	Rain , Snow
15	38	33	27	28	20	12	93	61	27	30.24	30.13	29.98	10	10	9	18	10	23	T	Snow
16	52	42	31	25	23	20	67	46	22	30.35	30.28	30.16	10	10	10	25	14	33	0.00	
17	63	53	43	40	34	25	59	47	32	30.25	30.19	30.14	10	10	10	20	12	27	0.00	
18	51	45	39	39	35	27	80	65	47	30.40	30.33	30.25	10	10	9	17	9	22	0.00	
19	64	51	38	40	35	26	79	55	29	30.40	30.32	30.24	10	10	10	16	9	19	0.00	
20	78	63	47	41	35	27	46	34	16	30.25	30.14	30.01	10	10	10	16	10	25	0.00	
21	78	69	59	60	51	41	96	81	36	30.01	29.87	29.79	10	8	2	24	9	31	0.51	Rain , Thunderstorm
22	60	50	40	59	34	28	94	57	37	30.09	29.96	29.80	10	10	5	24	13	29	0.00	
23	51	44	37	31	27	22	73	54	30	30.20	30.15	30.05	10	10	10	17	10	22	0.02	Rain
24	64	53	41	38	33	29	79	48	19	30.09	29.89	29.63	10	10	7	26	14	36	0.01	Rain
25	69	58	47	47	41	35	96	59	19	29.83	29.74	29.61	10	9	5	25	11	31	0.24	Rain
26	60	50	40	40	34	32	76	60	39	30.05	29.98	29.83	10	10	10	23	14	26	0.01	Rain
27	61	52	42	43	38	35	82	59	32	30.06	29.94	29.84	10	10	7	29	16	33	0.03	Rain , Thunderstorm
28	58	53	47	50	45	34	92	77	43	29.86	29.68	29.56	10	6	2	31	16	38	0.48	Rain , Thunderstorm
29	67	59	50	52	49	43	100	80	43	29.66	29.54	29.45	10	7	1	26	10	34	0.11	Rain , Thunderstorm
30	53	50	46	50	43	35	96	78	62	29.81	29.75	29.67	10	9	1	21	11	26	0.12	Rain

Comma Delimited File

Weather History for Chicago Midway, IL

View Current Weather In Chicago Midway, IL
 Change the Weather History Date:

May

1

2014

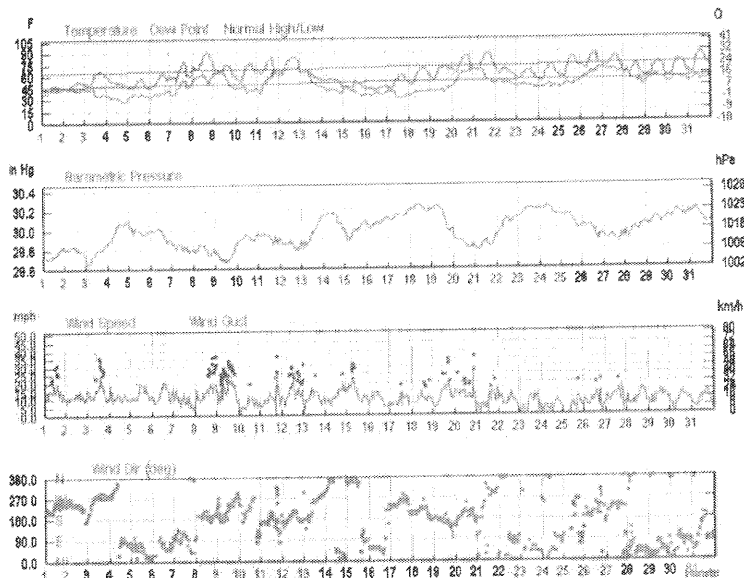
View

Month of May, 2014

« Previous Month
 Next Month »

Daily	Weekly	Monthly	Custom		
		Max	Avg	Min	Sum
Temperature					
Max Temperature		93 °F	73 °F	45 °F	
Mean Temperature		81 °F	63 °F	43 °F	
Min Temperature		68 °F	53 °F	41 °F	
Degree Days					
Heating Degree Days (base 65)	22	5	0	161	
Cooling Degree Days (base 65)	16	3	0	106	
Growing Degree Days (base 50)	30	13	0	411	
Dew Point					
Dew Point		71 °F	48 °F	26 °F	
Precipitation					
Precipitation		1.43 in	0.15 in	0.00 in	4.46 in
Snowdepth					
Wind					
Wind		33 mph	10 mph	0 mph	
Gust Wind		44 mph	23 mph	17 mph	
Sea Level Pressure					
Sea Level Pressure		30.25 in	29.97 in	29.65 in	

Monthly Weather History Graph



Certify This Report

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KMDW

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Trip Planner

Search our weather history database for the weather conditions in past years. The results will help you decide how hot, cold, wet, or windy it might be!

Date:

May

1

Submit

Astronomy

May, 01, 2014	Rise	Set
Actual Time	5:47 AM CDT	7:49 PM CDT
Civil Twilight	5:17 AM CDT	8:19 PM CDT
Nautical Twilight	4:40 AM CDT	8:57 PM CDT
Astronomical Twilight	3:59 AM CDT	9:37 PM CDT
Moon	7:33 AM CDT (5/1)	10:23 PM CDT (5/1)
Length of Visible Light	15h 02m	
Length of Day	14h 02m	

Waxing Crescent, 7% of the Moon is Illuminated

May 1	May 6	May 14	May 21	May 28
Waxing Crescent	First Quarter	Full	Last Quarter	New

Visit Astronomy

Weather History Calendar

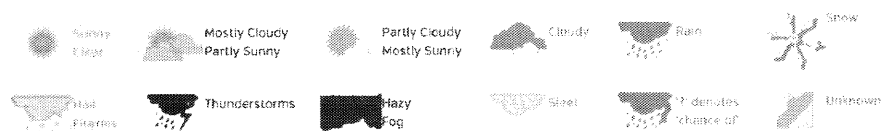
Precipitation Actual month total **4.46** Normal Month Total: **4.13**

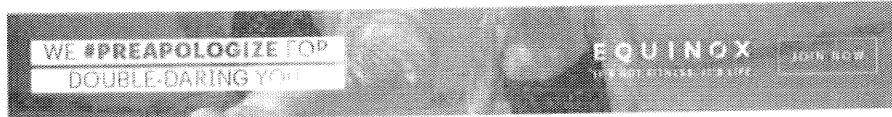
« Previous Month « 2013 May 2014 2015 » Next Month »

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
				Actual:	Actual:	Actual:
				50 | 43 0.09	55 | 47 0.04	68 | 49 0.00
				Average:	Average:	Average:
				65 | 47 0.12	66 | 47 0.12	66 | 48 0.13
4	5	6	7	8	9	10
Actual:	Actual:	Actual:	Actual:	Actual:	Actual:	Actual:
61 | 47 0.00	59 | 45 0.01	63 | 45 0.00	80 | 52 T	93 | 68 0.00	76 | 57 1.43	77 | 52 0.00
Average:	Average:	Average:	Average:	Average:	Average:	Average:
66 | 48 0.12	67 | 48 0.13	67 | 49 0.12	67 | 49 0.12	68 | 49 0.12	68 | 49 0.13	68 | 50 0.12
11	12	13	14	15	16	17
Actual:	Actual:	Actual:	Actual:	Actual:	Actual:	Actual:
85 | 63 0.41	86 | 65 0.03	70 | 54 0.14	57 | 44 0.06	57 | 42 0.26	45 | 41 0.08	61 | 41 0.00
Average:	Average:	Average:	Average:	Average:	Average:	Average:
69 | 50 0.13	69 | 50 0.13	69 | 51 0.14	70 | 51 0.13	70 | 51 0.13	70 | 52 0.13	71 | 52 0.13
18	19	20	21	22	23	24
Actual:	Actual:	Actual:	Actual:	Actual:	Actual:	Actual:
70 | 48 0.00	71 | 53 T	87 | 63 0.64	89 | 68 0.01	69 | 54 0.00	68 | 51 0.00	74 | 50 0.00
Average:	Average:	Average:	Average:	Average:	Average:	Average:
71 | 52 0.15	71 | 52 0.14	72 | 53 0.14	72 | 53 0.14	72 | 53 0.14	72 | 54 0.14	73 | 54 0.14
25	26	27	28	29	30	31
Actual:	Actual:	Actual:	Actual:	Actual:	Actual:	Actual:
85 | 54 0.00	90 | 67 0.08	85 | 61 0.50	73 | 58 0.68	77 | 57 0.00	79 | 57 0.00	89 | 60 0.00
Average:	Average:	Average:	Average:	Average:	Average:	Average:
73 | 54 0.14	73 | 55 0.14	74 | 55 0.13	74 | 55 0.15	74 | 56 0.14	75 | 56 0.14	75 | 57 0.15

Print This Weather Calendar

Calendar Legend





Daily Weather History & Observations

2014	Temp. (°F)			Dew Point (°F)			Humidity (%)			Sea Level Press. (in)			Visibility (mi)			Wind (mph)			Precip. (in)	Events
May	high	avg	low	high	avg	low	high	avg	low	high	avg	low	high	avg	low	high	avg	high	sum	
1	50	47	43	45	42	38	93	83	71	29.83	29.76	29.70	10	10	6	25	14	32	0.09	Rain
2	55	51	47	45	43	41	93	77	57	29.83	29.80	29.70	10	10	8	17	12	25	0.04	Rain
3	68	59	49	44	39	35	80	50	20	29.86	29.76	29.65	10	10	10	26	14	35	0.00	
4	61	54	47	36	31	26	52	42	28	30.09	30.02	29.88	10	10	10	17	11	25	0.00	
5	59	52	45	39	36	32	76	58	34	30.05	29.99	29.94	10	10	10	22	14	26	0.01	Rain , Thunderstorm
6	63	54	45	43	38	34	66	49	31	30.02	29.95	29.86	10	10	10	22	14	29	0.00	
7	80	66	52	56	47	35	67	51	30	29.87	29.82	29.77	10	10	10	20	9	24	T	Rain , Thunderstorm
8	93	81	68	63	59	50	73	50	24	29.86	29.79	29.73	10	10	10	33	14	44	0.00	
9	76	67	57	65	60	43	93	76	35	29.86	29.73	29.67	10	7	1	28	15	36	1.43	Rain , Thunderstorm
10	77	65	52	47	43	39	74	46	19	29.95	29.91	29.88	10	10	10	17	7	22	0.00	
11	85	74	63	66	56	37	90	58	26	29.96	29.91	29.84	10	9	1	28	10	42	0.41	Rain , Thunderstorm
12	86	76	65	71	68	61	90	72	54	29.90	29.84	29.78	10	10	5	28	13	35	0.03	Rain , Thunderstorm
13	70	62	54	65	57	45	93	80	63	30.14	29.96	29.81	10	10	6	21	11	25	0.14	Rain
14	57	51	44	45	41	36	89	62	41	30.17	30.10	29.99	10	9	3	22	13	26	0.06	Rain
15	57	50	42	45	39	34	93	76	50	30.08	29.98	29.88	10	7	2	28	14	32	0.26	Rain
16	45	43	41	38	36	34	87	77	65	30.12	30.06	30.01	10	10	9	17	9	21	0.08	Rain
17	61	51	41	40	35	30	89	55	21	30.19	30.13	30.08	10	9	6	16	8	23	0.00	
18	70	59	48	40	38	34	62	43	21	30.25	30.21	30.17	10	10	10	17	9	23	0.00	
19	71	62	53	44	40	37	59	41	22	30.24	30.11	29.95	10	10	10	26	12	36	T	Rain
20	87	75	63	68	61	45	90	64	38	29.95	29.85	29.79	10	9	2	29	12	37	0.64	Rain , Thunderstorm
21	89	79	68	68	59	48	87	57	21	29.94	29.84	29.78	10	9	6	21	8	27	0.01	
22	69	62	54	52	49	45	72	59	39	30.12	30.06	29.94	10	10	10	17	8	20	0.00	
23	68	60	51	48	46	42	80	60	34	30.22	30.18	30.12	10	10	10	16	6	20	0.00	
24	74	62	50	49	45	42	74	53	27	30.25	30.18	30.13	10	10	10	13	5	19	0.00	
25	85	70	54	53	48	43	77	46	17	30.15	30.08	30.00	10	10	10	16	5	21	0.00	
26	90	79	67	69	63	55	85	60	33	30.04	29.96	29.87	10	10	2	18	8	23	0.08	Rein , Thunderstorm
27	85	73	61	68	65	60	93	75	43	29.96	29.91	29.85	10	9	2	23	10	28	0.50	Rain , Thunderstorm
28	73	66	58	64	55	47	100	73	40	30.06	29.99	29.90	10	8	1	20	9	25	0.68	Rain Thunderstorm
29	77	67	57	60	54	49	87	69	36	30.13	30.07	30.02	10	10	7	18	10	23	0.00	
30	79	68	57	56	53	49	75	58	33	30.18	30.14	30.09	10	10	10	15	8	19	0.00	
31	89	75	60	56	53	50	75	48	24	30.20	30.11	30.04	10	10	10	16	7	21	0.00	

Comma Delimited File

Atsaves Gales v. The Libertarian Party, et al., 14 SOEB GE 515

Exhibit List: Candidates' Case-in-Chief

The following list details which exhibit relates to which petition signature the Candidates seek to rehabilitate. The "Exhibit #" refers to the group of documents applying to that specific voter. The "basis for appeal" codes are the same as those described within Candidates' Rule 9 Motion.

EXHIBIT #	Page #	Line #	VOTER NAME	ADDRESS	CITY	COUNTY	Basis for Appeal	R
CHI-1	3	20	Paul Stover	2439 N Monitor	Chicago	Cook	A	S
CHI-2	13	17	Donnairra Spencer	6735 S Cornell	Chicago	Cook	B	O
CHI-3	14	6	Patricia Sims	1410 W Wilson	Chicago	Cook	B	O
CHI-4	18	7	Glenn Jackson	1124 W Wilson	Chicago	Cook	B	S
CHI-5	55	2	Juanita Guyton	5102 W Madison	Chicago	Cook	B	O
CHI-6	75	15	Quantina Williams	574 N Lockwood	Chicago	Cook	B	O
CHI-7	323	13	Latonya Burges	9021 S Ada	Chicago	Cook	B	O
CHI-8	326	13	Ronald Daniels	9249 S Emerald	Chicago	Cook	A	S
CHI-9	466	17	Chris Garrett	436 61st Pl	Chicago	Cook	B	S
CHI-10	692	2	Rafael Gallegos	5734 S California	Chicago	Cook	A	S
CHI-11	761	15	Edward Latham	9331 S Peoria	Chicago	Cook	B	S
CHI-12	762	12	LaPorchia White	9238 S Woodlawn	Chicago	Cook	B	S
CHI-13	770	1	Julie Kofod	2017 W Crystal	Chicago	Cook	D	O
CHI-14	819	7	Terrance Brackenridge	5610 S Seeley	Chicago	Cook	B	S
CHI-15	875	4	Lorraine Baker	434 E 81st	Chicago	Cook	B	O
CHI-16	922	3	David Finlay	3008 N. Octavia	Chicago	Cook	A	S
CHI-17	946	8	Jerry Glenn	8214 S. Peoria	Chicago	Cook	A	O
CHI-18	1029	11	Debby Post	4925 N. Kentucky	Chicago	Cook	A	S
CHI-19	1029	12	W.B. Post	4925 N. Kentucky	Chicago	Cook	A	S
CHI-20	1179	14	Geneva Smoot	8814 S. Creighton	Chicago	Cook	A	O
CHI-21	1232	2	Theresa Craft	3122 W. Warren	Chicago	Cook	A	S
CHI-22	1232	14	Shanika Seluy	4941 W. Ohio	Chicago	Cook	A	S
CHI-23	1251	11	Arbirie Brooks	3322 N. Polk	Chicago	Cook	A	O
CHI-24	1264	13	Sharnay Johnson	1215 W. 97th St.	Chicago	Cook	A	O
CHI-25	1312	12	Arnold Graham	7728 S. Jeffrey	Chicago	Cook	A	S
CHI-26	1312	16	Rudolph Brown	9041 S. Blackstone	Chicago	cook	A	O
CHI-27	1313	5	Damica Bennet	1905 S. Springfield	Chicago	cook	A	S
CHI-28	1343	17	Leala Beasley	11814 S. Parnell	Chicago	Cook	B	O
CHI-29	1380	20	Johinya Conner	23 E. 61st St.	Chicago	Cook	B	O
CHI-30	1392	12	James Alexander	9542 S. Clyde	Chicago	Cook	A	S
CHI-31	1437	8	Jessica Crespo	4724 W. 47th St.	Chicago	Cook	A	S
CHI-32	1479	16	Sherri Weathersby	10043 S. Rhodes	Chicago	Cook	B	O
CHI-33	1481	4	Isabel Rios	4400 S. California	Chicago	Cook	B	S
CHI-34	1496	8	Xenobia Hull	8732 S. Burley	Chicago	Cook	A/B	O
CHI-35	1499	5	Jacqueline Perkins	1803 W. 95th St.	Chicago	Cook	B	S
CHI-36	1577	1	Debora Norris	912 W. 95th St.	Chicago	Cook	B	O
CHI-37	1635	10	Chyanne Jones	1248 E. 46th St.	Chicago	Cook	B	O
CHI-38	1638	15	Fredrick Caldwell	6604 S. Champlain	Chicago	Cook	B	S
CHI-39	2031	11	Dexter Dickens	127 N LOREL AVE 3	Chicago	Cook	B	S

Atsaves Gales v. The Libertarian Party, et al., 14 SOEB GE 515

Exhibit List: Candidates' Case-in-Chief

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CHI-40	2034	4	Jonathan PAWELKO	2247 W EASTWOOD AVE 1S	Chicago	Cook	B	S
CHI-41	2034	6	John Boley	4756 S. Forrestville	Chicago	Cook	B	O
CHI-42	2034	15	Mary Hopkins	4739 S DREXEL BLVD	Chicago	Cook	B	O
CHI-43	2042	16	Nina Bennett	3218 W EASTWOOD AVE 1F	Chicago	Cook	B	S
CHI-44	2083	18	Reginald ARRINGTON	12024 S JUSTINE ST	Chicago	Cook	B	O
CHI-45	2099	11	Lamonte Brown	5401 S ELLIS AVE S1	Chicago	Cook	B	O
CHI-46	2115	4	GENNETTE THIGPEN	3213 W MAYPOLE AVE	Chicago	Cook	B	O
CHI-47	2178	15	KRISTINA LAWSON	450 E 95 ST	Chicago	Cook	B	S
CHI-48	2219	3	MITCHELL WEISMAN	9846 S MERRILL AVE	Chicago	Cook	B	O
CHI-49	2231	2	ANDREW ROSS	525 W ALDINE AVE 601	Chicago	Cook	A	S
CHI-50	2235	10	SAMANTHA KARIM	5259 S NOTTINGHAM AVE	Chicago	Cook	A	S
CHI-51	2255	11	JENNIFER MORALES	5802 S HOMAN AVE	Chicago	Cook	A	O
CHI-52	762	6	Bennie Dean	3418 W Lexington	Chicago	Cook	B	O
CHI-53	762	8	Ebony Griffin	8415 S Vincennes OR 7138 S May	Chicago	Cook	B	S
CHI-54	814	18	Michael Wilbon	2056 N Keeler	Chicago	Cook	B	O
CC-1	1236	6	Alan Medsica	111 S. Walnut	Arlington Heights	Cook	A	S
CC-2	1236	11	Kristi Conover	212 S. Duyer	Arlington Heights	Cook	A	S
CC-3	853	18	A Thomas Peterson	807 Catino	Arlington Heights	Cook	A	S
CC-4	2124	13	Zowie Bingham	120 E MORSE AVE	Bartlett	Cook	A/B	S
CC-5	1496	17	Deloyal Kershaw	332 Willow St.	Dolton	Cook	A/B	S
CC-6	1177	10	Yatin Patel	109 N. Cloverhill	Elgin	Cook	A	S
CC-7	236	20	Ambrosia Tovar	434 Lucille	Elgin	Cook	A	S
CC-8	1041	3	Rebecca Irwin	307 Dorchester	Elk Grove	Cook	B	S
CC-9	1557	5	Teresa Gonzalez	100 Woodcrest	Elk Grove	Cook	A	S
CC-10	2049	2	James Walsh	172 TOWER LN	Elk Grove Village	Cook	A	S
CC-11	560	4	Dawn Patel	1138 Sherman	Evanston	Cook	A	S
CC-12	1172	20	Russel Allen	9612 S. Kedzie	Evergreen Park	Cook	A	S
CC-13	226	5	Avi Fagan	2015 Franklin Dr	Glenview	Cook	B	O
CC-14	1632	19	Jesse Stace	516 Irving	Hillside	Cook	A/B	S
CC-15	1127	16	Shannon Redding	1825 Claremont Road	Hoffman Estates	Cook	A	S
CC-16	1414	2	Erin DiDonello	4045 Hudson Dr.	Hoffman Estates	Cook	B	O
	1132	1	Christine Mueller	997 Willow	Itasca	Cook	A	S
CC-17	1570	20	Kari Kogut	1012 Kemman	LaGrange Park	Cook	B	O
CC-18	324	10	Justice Golembeck	15555 Millard	Markham	Cook	A	S
CC-19	1172	15	Andrea Williams	16518 Wolcott	Markham	Cook	B	O

Atsaves Gales v. The Libertarian Party, et al., 14 SOEB GE 515

Exhibit List: Candidates' Case-in-Chief

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CC-20	1255	20	Jose Correa	1819 N. 17th	Melrose	Cook	A	S
CC-21	1440	15	Nabila Patel	9450 Normandy	Morton Grove	Cook	A	S
	1061	5	Laurie McGowan	14 W. Linquist	Mt. Prospect	Cook	A	S
CC-22	1128	4	Melissa Determan	613 N. Russel	Mt. Prospect	Cook	A	S
CC-23	1371	5	Dragune Pacino	117 S. George	Mt. Prospect	Cook	A	S
CC-24	1434	14	Mike Collins	5 S. Owen St.	Mt. Prospect	Cook	A	S
CC-25	2231	15	YEHOSHUA MOSCOWITZ	3068 ANTELOPE SPRINGS RD	Northbrook	Cook	A	S
CC-26	321	17	Paul Alfich	11012 S Kilpatrick	Oak Lawn	Cook	A	S
CC-30	1255	11	Ali Bowman	321 Wisconsin	Oak Lawn	Cook	B	O
CC-27	1259	18	Carolyn Shotas	9609 Kilbourn	Oak Lawn	Cook	B	S
CC-28	1333	4	Lewis Garren	5148 W. 90th St.	Oak Lawn	Cook	A	S
CC-29	1424	5	Jacy Nostdurpgor	1045 S. Cuyler	Oak Park	Cook	A	S
CC-31	811	14	Bradley Lyons	1405 N Harlem	Oak Park	Cook	A	S
CC-32	2241	14	RICHARD MITCHELL	3045 SHEFFIELD CIR	OLYMPIA FIELDS	Cook	B	O
CC-33	1546	1	Mike J. Manahan	14032 Cheswick	Orland Park	Cook	A	S
CC-34	1554	7	Justin Harrison	9026 Timber Trails Dr.	Orland Park	Cook	B	O
CC-36	1314	4	John Cunningham	231 Timber Edge Lane	Palos Park	Cook	A	S
CC-35	1554	2	Michael Roessler	12900 E. Tanglewood Circle	Palos Park	Cook	A	S
CC-37	2032	20	Mary Seaberg	317 N ROSE AVE	Park Ridge	Cook	B	S
CC-38	767	15	Jameka Hobson	3202 Lydia	Robbins	Cook	A/B	6
CC-39	6	4	Lauanna Recker	256 Huntwick	Schaumburg	Cook	A	S
CC-40	909	2	Jake Noodlusch	17800 S. 66th	Tinley Park	Cook	A	S
	1276	8	Bill Barkstrom	893 S. Palisades	Burr Ridge	Dupage	A	S
DP-00, DP-0	1347	5	M. Voyda	7213 S. Walden Ln.	Darien	DuPage	A	O
DP-1	957	9	Cheryl Schonte	408 Washington	Elmhurst	DuPage	B	S
DP-2	2180	7	Kelly Cherwin	354 Ferndale AVE	Elmhurst	DuPage	A	O
DP-3	2182	3	Kathleen Kocinski	264 E 2nd ST	Elmhurst	DuPage	A	O
DP-4	2127	2	Anthony Bruno	1462 Eagle CT	Glendale Hts	DuPage	A	O
DP-5	1163	20	Sana Betts	332 Highridge	Hillside	DuPage	B	S
DP-6	857	5	Brenda Winters	1380 S Elizabeth	Lombard	DuPage	B	O
DP-7	609	15	Jonathon Howard	30 N Brainard	Naperville	DuPage	B	S
DP-8	863	17	Grant Levitan	9 S Wright	Naperville	DuPage	B	O
DP-9	2020	11	Aaron Bardolph	325 S. Villa Ave.	Villa Park	DuPage	A	O
DP-10	1632	1	MJ Beale	28 W. Dowagner	Warronville	DuPage	A	S
DP-11	1347	1	Richard Kokoszka	1038 Oakwood Dr.	Westmont	DuPage	A	S
DP-12	1347	6	H. Greig	5724 Antler Ln.	Westmont	DuPage	A	S

Atsaves Gales v. The Libertarian Party, et al., 14 SOEB GE 515

Exhibit List: Candidates' Case-in-Chief

	1523	19	Natalia Herst	3316 63rd St.	Woodridge	DuPage	A	S
KN-1	2330	4	Paul Miller	252 Redbud LN	Batavia	Kane	A	O
KN-0	1122	16	Abdul Syed	6625 Majestic Way	Carpentersville	Kane	A	O
KN-3	372	2	Laura Dodgen	1241 Fairwood, Elgin	Elgin	Kane	B	O
KN-4	381	10	Rebecca Nocchi	525 S Commonwealth, Elgin	Elgin	Kane	A	O
KN-5	381	11	Jeffery Hughes	363 Hill, Elgin	Elgin	Kane	A	S
KN-6	381	12	Joe Peralez	2071 Monday, Elgin	Elgin	Kane	A	S
KN-7	381	14	Kristina Burch	1900 Mark Ave, Elgin	Elgin	Kane	A	O
KN-8	381	18	Kathryn Mangan	506 S Commonwealth, Elgin	Elgin	Kane	A	S
KN-9	2257	12	Kelli Thompson	2824 Spruce CT	Geneva	Kane	A	O
KN-10	2323	5	Colleen Stoetzel	515 South ST	Geneva	Kane	A	S
KN-11	2325	7	Sondra Becker	220 Stratford DR	Geneva	Kane	A	S
KN-12	2328	19	Robert Coronado	39W393 Weaver LN	Geneva	Kane	A	S
KN-13	381	8	Allison Moe	1273 Sandhurst, South Elgin	South Elgin	Kane	A	O
KN-14	2323	13	Robert Di Fatta	40 Gray ST	St Charles	Kane	A	S
KN-15	2325	18	Alex Schroeder	259 Sunbury DR	St Charles	Kane	A	S
KN-16	1103	10	Marilyn Hofinan	P.O. Box 1489	St. Charles	Kane	B	S
KN-17	1348	16	Elaine Beaghan	55 Lakewood Ct.	St. Charles	Kane	A	S
KN-18	1353	1	Alejandra Solinas	1344 Mebole St.	Sugar Grove	Kane	A	O
KEN-1	763	1	Anthony Ampert	432 Valentine	Oswego	Kendall	A	S
LK-1	1342	9	Max O'Hara	2770 Sandalwood	Buffalo Grove	Lake	A	S
LK-2	1633	6	Ronald Richards	2581 W. Lake St.	Wauconda	Lake	A	S
MD-1	7	16	Stephen Gower	110 Linwood	Collinsville	Madison	A	O
MD-2	230	7	Aiesha Salter	1302 Gerber Wall	Edwardsville	Madison	B	S
MD-3	235	20	Jared Parker	2941 Old Troy	Glen Carbon	Madison	A	S
MD-4	230	6	Haley Reidelberger	275 Falcon Dr	Highland	Madison	B	S
MD-5	230	10	Venice Golan	32 Rosewood	Maryville	Madison	B	S
MH-1	66	11	Michele Foster	1285 Stonegate	Algonquin	McHenry	A	S
MH-2	1	10	Rick Nimsgern	260 Hillhurst	Cary	McHenry	A	S
MH-3	321	11	Tracy Palma	339 S Wulff	Cary	McHenry	B	S
MH-4	225	7	Jen Oliver	195 Lakeshore	Crystal Lake	McHenry	B	S
MND-1	556	16	Greg Squires	514 W Lincoln	Petersburg	Menard	B	S
PI-1	463	4	Jason Ballard	815 N Douglas	Peoria	Peoria	B	O
PI-2	2044	16	Lorine Barnett	2127 N Gale AVE	Peoria	Peoria	B	O
PI-3	2174	2	Ciera Morris	731 E Kansas ST	Peoria	Peoria	B	S
CNOFPI-1	2201	7	Michael Jones	5006 N Glen Elm DR	Peoria Heights	Peoria	B	O
RI-1	1033	8	Joyce Shelton	1082 Slack	E. Moline	Rock Island	B	S

Atsaves Gales v. The Libertarian Party, et al., 14 SOEB GE 515

Exhibit List: Candidates' Case-in-Chief

R

RI-2	1033	11	Gary Whitney	491 47th Ave	East Moline	Rock Island	B	0
RI-3	1339	2	Amy Gustafson	8603 Knoxville Rd.	Milau	Rock Island	A	S
RI-4	1040	20	Govino Lopez	1806 16th	Moline	Rock Island	B	0
RI-5	1318	2	Christina Lum	3100 28th Ave	Rock Island	Rock Island	A	S
SY-1	295	8	David Wirey	2238 County Hwy 2	Findlay	Shelby	B	0
SY-2	828	9	Susan Bean	1790 E 793 N Road	Shelbyville	Shelby	B	0
SY-3	869	20	Marci Frederick	1019 N Broadway	Shelbyville	Shelby	B	S
SY-4	456	20	Stephen Darnell	1549 E 1400 North Rd	Shelbyville	Shelby	B	0
SY-5	828	16	Michael Krauskopf	1783 N 1675 E Road	Shelbyville	Shelby	B	0
SY-6	869	18	William Frederick	1134 N 1300 E Road	Shelbyville	Shelby	B	0
	910	7	Jake Geisinger	707 W. 53rd	Shelbyville	Shelby	B	S
TZ-1	866	6	Joe Alexander	14 Cheshire Dr	Mackinaw	Tazewell	B	S
TZ-2	1164	18	Philip Lockwood	219 W. Birchwood	Morton	Tazewell	A	S
TZ-3	1320	9	Rob Personett	1048 E. Dunne	Morton	Tazewell	A	S
TZ-4	463	5	Rebecca Gartland	1101 N 2nd	Pekin	Tazewell	B	0
TZ-5	852	12	Marilyn Parks	1015 Maple St	Pekin	Tazewell	A	0
TZ-6	1034	6	Garrett Freeman	207 Sabella	Pekin	Tazewell	B	0
TZ-7	1034	19	Kevin Bianchi	1010 Court St. S.	Pekin	Tazewell	B	S
TZ-8	1320	14	Gerald Hall	2114 Sunset	Pekin	Tazewell	A	S
TZ-9	1253	17	Elaine Fisher	203 Crescent	Peoria	Tazewell	A	S
TZ-10	1427	11	Dan Delinski	1357 S. Antioch Dr.	Tremon	Tazewell	A	S
TZ-11	1393	1	Sean Goonar	915 Wellington Dr.	Washington	Tazewell	A	S
VC-1	2041	1	David Laker	604 N WILLIAMS	Fithian	Vermillion	B	S
VC-2	2041	2	Mary Laker	604 N WILLIAMS	Fithian	Vermillion	B	S
W-1	863	11	Michael Liautand	4315 Camelot	Naperville	Will	B	0
W-3	1374	1	Katelyn Thurrow	4716 Torphin Hill Ct.	Naperville	Will	A	0
W-2	2328	16	KIMBERLY BISESTO	13238 S BIRDSEYE CT	PLAINFIELD	WILL	B	0
WIN-1	607	19	Megan Schumann	107 Wallace	MacHesney Park	Winnebago	B	S

Total = 66
"0"

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OF OBJECTIONS TO THE PETITION PAPERS FOR
CANDIDATES OF NEW POLITICAL PARTIES IN THE STATE OF ILLINOIS**

Lou Atsaves and Gary Gale;)	
Petitioner-Objectors,)	
	)	2014 SOEB GE 515
vs.)	
)	
The Libertarian Party, et al.)	

OBJECTORS' POST-TRIAL BRIEF

Now come Lou Atsaves and Gary Gale (hereinafter referred to as the "Objectors"), and for their Post-Trial Brief following the evidentiary hearings in this case, argue as follows:

Introduction

In order for a new political party to appear on the General Election ballot statewide, the signatures of not fewer than 25,000 registered Illinois voters are required. Here, the Libertarian Party has filed 2,348 petition signature sheets containing a total of 42,986 signatures. Following the records exam in this case, the Libertarian Party had 30,197 presumptively valid signatures. However, thousands of the signatures submitted by the Libertarian Party (hereinafter referred to as "the Candidates") were gathered in violation of the Election Code, thereby rendering those signatures invalid. In particular, the evidence adduced in this case demonstrates conclusively the invalidity of petition sheets purportedly circulated by Sharon Rosenblum, Darryl Bonner, Sarah Dart, Andrew Jacobs, Jacob Witmer, Ryan Meszaros and Derek Farr. Each and every sheet purportedly circulated by each of these individuals must be invalidated, and accordingly, the Candidates will be left with fewer than the statutory minimum 25,000 valid petition signatures.

Argument

The Objectors will seek to address the pertinent issues presented by each of these circulators, but due to time constraints will do so without the benefit of a full trial transcript.

(1) Sharon Rosenblum

In Paragraph 13 of their Objectors' Petition, the Objectors alleged that Sharon Rosenblum circulated for both the Libertarian Party and also for an established party candidate in the 2014 General Primary Election, contrary to the prohibition contained in §10-4 of the Election Code. The evidence demonstrated conclusively that Ms. Rosenblum did indeed circulate nominating petitions for Wendy Jo Harmston, a Democratic candidate for Representative in the General Assembly for the 40th Representative District in the 2014 General Primary Election. (See Objectors' Group Exhibit 2.) The dual-circulation prohibition is well-established and consistently upheld by the courts in decisions such as *Citizens for John W. Moore Party v. Board of Elec. Comm'rs of the City of Chicago*, 794 F.2d 1254 (7th Cir. 1986) and *Schoeber v. Young*, 322 Ill. App. 3d 996 (4th Dist. 2001). In response, the Candidates have offered a handful of City of Chicago Board of Elections decisions that address whether the dual circulation prohibition is applicable to Article 8 of the Election Code. Those decisions have no bearing on the case at bar.

In Objectors' Group Exhibit 1, the Objectors provide the petition sheets Ms. Rosenblum purports to have circulated on behalf of the Libertarian Party: petition page nos. 169, 180, 193, 196, 203, 206, 208, 233, 240, 244, 246, 250, 256, 261, 265, 276, 299, 319, 324, 343, 362, 398, 405, 423, 433, 441, 447, 462, 469, 547, 560, 563, 572, 597, 645, 649, 672, 678, 682, 691, 700, 711, 728, 756, 761, 774, 781, 783, 784, 788, 791, 794, 818, 833, 874, 904, 914, 926, 952, 966, 975, 1950, 1964, 1968, 1972, 1975, 1977, 1980, 1982, 1986, 1987, 1992, 1993, 1998, 1999, 2007, 2010, 2014, 2016, 2017, 2021, 2026, 2028, 2042, 2054, 2067, 2074, 2088, 2096, 2101, 2124, 2149, 2155, 2170, 2192, 2200, 2208, 2209, 2217, 2219, 2220, 2221, 2235, 2241. The signatures from each of these sheets must be stricken. Following the records exam in this case, the Objectors contend that Ms. Rosenblum's petition pages contain 1,184 presumptively valid

signatures (as detailed in the attached spreadsheet), all of which should be deducted from the Candidates' presumptively valid total.

(2) Darryl Bonner

In paragraph 19e of the Objectors' Petition, the Objectors allege that the petition sheets purportedly circulated by Darryl Bonner exhibit a pattern of fraud such that each of his petition sheets must be invalidated. In particular, the Objectors allege that Mr. Bonner was not the true circulator of the petition sheets that he purports to have circulated, did not witness the signatures that appear on his petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, all in violation of the Election Code.

Mr. Bonner's petition sheets contain 4,229 petition signatures. As set forth in Objectors' Group Exhibit 3 and Objectors' Group Exhibit 3A-3J, Mr. Bonner purports to have circulated petition sheet nos. 12, 16, 18, 22, 23, 29, 33, 43, 48, 51, 57, 75, 86, 92, 94, 95, 102, 103, 110, 111, 115, 116, 123, 126, 127, 139, 141, 147, 156, 157, 165, 175, 194, 211, 212, 213, 220, 224, 225, 238, 241, 259, 260, 274, 285, 295, 298, 306, 309, 311, 317, 332, 336, 349, 351, 364, 369, 404, 406, 410, 414, 419, 425, 435, 438, 442, 445, 446, 451, 456, 459, 467, 468, 471, 474, 481, 482, 494, 495, 497, 498, 509, 514, 525, 532, 540, 549, 554, 556, 559, 564, 573, 579, 585, 592, 599, 604, 627, 642, 644, 646, 648, 650, 652, 653, 656, 657, 660, 668, 671, 673, 679, 692, 695, 696, 708, 713, 716, 718, 721, 748, 752, 765, 767, 778, 779, 806, 807, 809, 825, 828, 836, 840, 842, 846, 847, 851, 853, 856, 861, 864, 865, 869, 872, 884, 886, 889, 892, 893, 895, 907, 910, 916, 919, 925, 927, 938, 942, 943, 944, 953, 957, 959, 961, 967, 971, 973, 979, 981, 991, 994, 1007, 1011, 1015, 1146, 1159, 1228, 1235, 1305, 1307, 1599, 1602, 1613, 1615, 1617, 1628, 1630, 1712, 1717, 1728, 1731, 1741, 1770, 1775, 1785, 1792, 1797, 1826, 1842, 1851, 1856,

1866, 1903, 1917, 1984, 2020, 2040, 2056, 2059, 2061, 2065, 2071, 2079, 2080, 2085, 2092, 2095, 2104, 2180, 2182, 2189, 2195, 2203, 2206, 2212, 2214, 2331, 2333, 2336, 2342.

The evidence adduced in this case well establishes that Mr. Bonner was not the true circulator of the petitions that he claims to have circulated. First and foremost, the Objectors provided in Objectors' Group Exhibit 4 the affidavits of 198 individuals who signed petition sheets that Mr. Bonner purportedly circulated, each of whom attested that Mr. Bonner was *not* present when they signed the Libertarian Party petition.¹ These affiants hailed from Adams County (8); Christian County (86); Sangamon County (74); and Shelby County (30). This quantum of evidence was effectively unrebutted by the Candidates.

A review of the dates upon which Mr. Bonner's petition sheets were notarized, and the locations from which these signatures were gathered in and of themselves spell out a quite improbable circulation pattern, that would have had Mr. Bonner (a paid, professional petition circulator) criss-crossing the state in a completely illogical (and perhaps physically impossible) fashion to collect signatures. Mr. Bonner testified (at least initially) that he always submitted all of his sheets to the notary every time he had his sheets notarized. All of Mr. Bonner's petition sheets were notarized at a Starbucks in Arlington Heights on the following dates, and presented signatures from the following counties on each date:

March 31st (19 sheets): Cook (13 sheets); McHenry (6 sheets)

April 7th (35 sheets): Christian (9 sheets); Shelby (6 sheets); Cook (20 sheets)

April 10th (11 sheets): Cook (5 sheets); McHenry (6 sheets)

April 15th (10 sheets): Cook (8 sheets); McHenry (2 sheets)

April 17th (22 sheets): Christian (10 sheets); Sangamon (8 sheets); Cook (3 sheets); Shelby (1 sheet)

¹ Objectors' Group Exhibit 4 also contains the affidavits of 10 petition signers who positively identified Mr. Bonner as being present when they signed the Libertarian Party petition that he purports to have circulated.

April 21st (42 sheets): Sangamon (12 sheets); Adams (6 sheets); Cook (14 sheets); McHenry (10 sheets)

April 24th (3 sheets): Cook (3 sheets)

April 28th (26 sheets): Sangamon (6 sheets); Cook (11 sheets); DuPage (9 sheets)

May 1st, 8th, 15th and 20th (27 sheets): Cook (12 sheets); DuPage (25 sheets)

June 16th, 19th and 20th (26 sheets): DuPage (26 sheets)

It was established through the testimony of Carlos Rodriguez and the affidavits of Sarabjit Singh, William Dean, Holly McClure and Laurie Rollet that the individual circulating many of the petition sheets Mr. Bonner claimed as his own from the Springfield area was not Mr. Bonner, but rather was a Caucasian man 50-55 years of age who primarily collected petition sheets at a Marathon gas station in Springfield. (See Objectors' Group Exhibit 6.)

To rebut the Objectors' evidence, the Candidates provided no counter-affidavits, but rather brought Mr. Bonner in to testify on the second day of the evidentiary hearing. Mr. Bonner's testimony was wholly unpersuasive. Mr. Bonner admitted that each time he had his petitions notarized, he presented the notary with all of the petitions he has completed up until that time. When queried about how he obtained so many signatures from the Central Illinois counties of Christian,² Shelby,³ and Sangamon,⁴ and from the Western Illinois county of Adams, while at the same time seemingly gathering signatures from Cook and McHenry Counties, he offered a truly nonsensical tale. According to Mr. Bonner, he was driven from Arlington Heights (where he was staying) to Central Illinois by his friend, named "James Taylor" (also referred to as "JT"), would sit silently in the car for an entire day close enough to JT to hear JT speak to petition signers, and would observe JT collect signatures for which Mr. Bonner would then sign

² Taylorville is the county seat of Christian County, and is 218 miles from Arlington Heights.

³ Shelbyville is the county seat of Shelby County, and is 233 miles from Arlington Heights.

for as the circulator. At the end of a day, JT would drive Mr. Bonner back from Central or Western Illinois to Arlington Heights.

JT did not sign as the circulator on any of the sheets he collected. While Mr. Bonner (again, a professional, paid signature gatherer who lives in another state and is in Illinois to circulate petitions for a limited amount of time) apparently collected numerous signatures himself in the Chicago area, he chose not to attempt to collect any signatures with JT, citing health and racial issues. Mr. Bonner claimed that JT had a personal relationship with someone near Arlington Heights and so sometimes stayed there, but did not explain why the two would not have circulated together in the Arlington Heights area, rather than travelling for hours so that one could circulate while the other watched.

Mr. Bonner, a 6 foot, 6 inch African American male, also testified that he sat in the passenger seat of JT's car with the door open, or *on the hood* of JT's car while JT collected signatures. He testified that although he was close enough to JT's petition signers to see them sign JT's petition sheets, and could hear JT's conversation with the signers, none of the petition signers could see him, because he had a knack for "blending in." Indeed, at least 198 affiants did not see Mr. Bonner when they signed the Libertarian petition. Mr. Bonner also claimed that, although he and JT were old friends, and that he was foregoing circulating up north in order to "hang out" with JT, he did not speak to JT while he was collecting petitions, even if there was a lull, so as to not somehow distract him or the petition signers. All of these assertions defy common sense.

Mr. Bonner spun a tale of a day trip to Quincy with JT, where he left Arlington Heights at 4:00 A.M., arrived in Quincy at 7:00 or 7:30, to sight-see and to watch JT collect petitions.⁵

⁴ Springfield is the county seat of Sangamon County, and is 207 miles from Arlington Heights.

⁵ Quincy is 316 miles from Arlington Heights, a trip that takes approximately 5 hours.

After a full day in Quincy, including dinner with friends, JT would drive Mr. Bonner back to Arlington Heights. In all, such a trip is approximately 10 hours of driving, round trip.

Other curiosities arose in Mr. Bonner's testimony. In all, Mr. Bonner testified that JT drove him back and forth between Central Illinois and Arlington Heights "8 or 10 times." However, after that relatively intensive travel schedule between Central Illinois and Arlington Heights, when asked, Mr. Bonner could not identify any road upon which he had travelled to Central Illinois. He had no idea how to get there, could not say whether the route he took was a 4-lane or 2-lane highway. He described the route only as "rural."

At one point, Mr. Bonner remarked how hot the summer weather was while he was collecting signatures downstate. However, as is evident in Objectors' Group Exhibit 3A-3J, the last sheet purportedly collected by Mr. Bonner downstate was notarized on April 28th. As it turns out, Mr. Bonner was not downstate in the summer (or, frankly, in the spring), which he admitted when confronted with that fact.

Perhaps having been apprised of the affidavits that established that the individual primarily circulating the petition sheets Mr. Bonner claimed as his own was a Caucasian in his mid-50's who collected signatures at the Marathon gas station in Springfield, Mr. Bonner provided testimony describing JT as a Caucasian in his mid-50s, and that they collected signatures at a Marathon gas station. Mr. Bonner, however, testified that the Marathon that he and JT worked was in Shelbyville, rather than Springfield. In short, Mr. Bonner got some, but not all, of his story straight.

At the end of the day, neither the Candidates nor Mr. Bonner offered a plausible explanation to rebut the nearly 200 affiants who offered their sworn statement confirming that Mr. Bonner was not present when they signed the petition sheets he purports to have signed.

The caselaw in this area is clear: a purported circulator must actually be present to witness a registered voter sign a petition sheet in order for that sheet to be valid. Section 10-4 of the Election Code requires that the circulator of each petition sheet make a sworn statement “certifying that the signatures on that sheet of the petition were signed in his or her presence” and “that the signatures are genuine . . .” 10 ILCS 5/10-4; *Huskey v. Municipal Officers Electoral Board for the Village of Oak Lawn*, 156 Ill.App.3d 201 (1st Dist. 1987). If the circulator is not present when the signature is placed on the petition sheet, it is impossible for that person to certify that the signature is genuine. Section 10-4 also contains a sanction for non-compliance: “That no signature shall be valid or be counted in considering the validity or sufficiency of such petition unless the requirements of this Section are complied with.” 10 ILCS 5/10-4.

An Objector must demonstrate by a fair preponderance of the evidence that a circulator acted fraudulently in demonstrating a pattern of fraud with regard to a circulator’s petition. See *In re: Bower*, 41 Ill.2d 277 (1968), See also Rule 11 of the Adopted Rules of Procedure. Here, the evidence is overwhelming. Nearly 200 affiants establish that Mr. Bonner was not present when they signed their petition sheets, and neither Mr. Bonner nor the Candidates offer any credible evidence to rebut this evidence. As such, each of Mr. Bonner’s petition sheets must be stricken. Following the records exam in this case, the Objectors contend that Mr. Bonner’s petition pages contain 3,078 presumptively valid signatures (as detailed in the attached spreadsheet), all of which should be deducted from the Libertarians’ presumptively valid total.

(3) Sarah Dart

In paragraph 191 of the Objectors’ Petition, the Objectors allege that the petition sheets purportedly circulated by Sarah Dart exhibit a pattern of fraud such that each of her petition sheets must be invalidated. In particular, the Objectors allege that Ms. Dart was not the true

circulator of the petition sheets that she purports to have circulated, did not witness the signatures that appear on her petition sheets, and was not present at the time such signatures were purportedly made on her petition sheets, all in violation of the Election Code.

Like Mr. Bonner, Ms. Dart was a prodigious petition signature gatherer. Like Mr. Bonner, Ms. Dart was paid to collect petition signatures. She submitted a gross total of 3,930 signatures. Between March 31st and May 14th, Ms. Dart submitted and had notarized over 3,790 petition signatures.⁶ Having submitted 3,790 signatures in the span of 6 weeks equates to at least 631 signatures per week, or 90 signatures a day, every day (including weekends), for 6 full weeks – truly a tall order. Ms. Dart’s petitions were notarized on the following dates:

<u>April 7th:</u>	23 petition sheets
<u>April 9th:</u>	14 petition sheets
<u>April 14th:</u>	14 petition sheets
<u>April 15th:</u>	3 petition sheets
<u>April 16th:</u>	2 petition sheets
<u>April 21st:</u>	13 petition sheets
<u>April 23rd:</u>	11 petition sheets
<u>April 28th:</u>	33 petition sheets
<u>April 30th:</u>	6 petition sheets
<u>May 7th:</u>	37 petition sheets
<u>May 14th:</u>	31 petition sheets
<u>June 16th:</u>	7 petition sheets

As set forth in Objectors’ Group Exhibit 8, Ms. Dart purports to have circulated petition sheet nos. 155, 284, 288, 294, 296, 302, 308, 388, 415, 420, 450, 453, 466, 473, 480, 485, 490, 496, 502, 508, 518, 521, 527, 534, 544, 546, 550, 565, 608, 610, 616, 617, 619, 629, 634, 637, 639, 801, 804, 811, 826, 1005, 1006, 1050, 1065, 1070, 1073, 1077, 1081, 1086, 1092, 1163, 1167, 1179, 1184, 1199, 1232, 1246, 1247, 1249, 1251, 1255, 1257, 1264, 1268, 1281, 1287, 1290, 1322, 1327, 1337, 1341, 1354, 1357, 1362, 1388, 1392, 1426, 1435, 1447, 1448, 1460, 1462, 1467, 1469, 1471, 1473, 1477, 1479, 1482, 1492, 1502, 1513, 1565, 1575, 1577, 1583,

⁶ All but 7 of Ms. Dart’s sheets were notarized by May 14, 2014.

1588, 1592, 1596, 1606, 1610, 1620, 1634, 1638, 1646, 1654, 1662, 1667, 1678, 1680, 1693, 1704, 1709, 1711, 1713, 1716, 1726, 1730, 1734, 1742, 1744, 1758, 1759, 1764, 1777, 1782, 1788, 1790, 1798, 1805, 1806, 1808, 1811, 1813, 1815, 1816, 1818, 1819, 1821, 1822, 1823, 1824, 1825, 1830, 1835, 1837, 1838, 1841, 1843, 1844, 1848, 1850, 1853, 1854, 1855, 1863, 1865, 1867, 1876, 1883, 1885, 1890, 1891, 1893, 1895, 1897, 1898, 1900, 1902, 1904, 1906, 1908, 1910, 1912, 1914, 1915, 1916, 1918, 1919, 1921, 1923, 1925, 1926, 1929, 1931, 1932, 1933, 1935, 1936, 1938, 1940, 1945, 1949, 2058, 2077, 2083, 2110, 2125, 2134, 2152, 2165, 2167, 2194, 2196.

Although not as colorfully as in Mr. Bonner's case, the evidence adduced with respect to Ms. Dart establishes that she was not the true circulator of the petitions that she claims to have circulated. Like with Mr. Bonner, the Objectors provided in Objectors' Group Exhibit 9 the affidavits of 73 individuals who signed certain of the petition sheets that Ms. Dart purportedly circulated, each of whom attested that Ms. Dart was *not* present when they signed the Libertarian Party petition. In addition, following the Candidates' rebuttal case, the Objectors provided affidavits from 23 more individuals who likewise signed Libertarian petitions purportedly circulated by Ms. Dart, but attested that Ms. Dart was not present at the time they signed that petition, for a total of 96 such affidavits. These affiants hailed from southeast Chicago to Niles and other near-northwest suburbs such as Franklin Park and Elmwood Park.

Given the large number of petitions purportedly collected by Ms. Dart in such a short period of time, it should come as no surprise that she would have had help in the collection process. That 96 individuals were willing to sign affidavits affirming that they did sign the Libertarian petition, but denying that Ms. Dart was present is a strong sign that Ms. Dart had help. And, while 96 affidavits of petition signers is a compelling quantum of evidence, perhaps

equally compelling is the fact that the Objectors have submitted multiple affidavits on several pages purportedly circulated by Ms. Dart, lending even more credence to the notion that she had others circulate with her. For example, the Objectors presented 5 affidavits of signers of petition page no. 1232: Theresa Craft (page 1232, line 2); Jacqueline James (page 1232, line 7); Haibee Romman (page 1232, line 10); Shanikia Selvy (page 1232, line 14); and Maricela Arechiga (page 1232, line 20). Surely, had Ms. Dart actually circulated this page, there would not be five affiants claiming she had not. In fact, well over half of the affidavits presented by the Objectors were for signers of sheets against which multiple affidavits were presented. The Objectors presented multiple affidavits on 23 different petition sheets, as follows:

1. Sheet 388: 3 affidavit signers
2. Sheet 490: 2 affidavit signers
3. Sheet 518: 3 affidavit signers
4. Sheet 527: 3 affidavit signers
5. Sheet 637: 2 affidavit signers
6. Sheet 1232: 5 affidavit signers
7. Sheet 1249: 2 affiants, 4 affidavits
8. Sheet 1268: 2 affidavit signers
9. Sheet 1471: 2 affidavit signers
10. Sheet 1492: 6 affidavit signers (although evidence was presented contesting 2 of these)
11. Sheet 1565: 2 affidavit signers
12. Sheet 1575: 6 affidavit signers
13. Sheet 1583: 3 affidavit signers
14. Sheet 1592: 2 affidavit signers
15. Sheet 1680: 2 affidavit signers
16. Sheet 1788: 4 affidavit signers
17. Sheet 1815: 4 affidavit signers
18. Sheet 1816: 2 affidavit signers
19. Sheet 1837: 2 affidavit signers
20. Sheet 1898: 2 affidavit signers
21. Sheet 1900: 2 affidavit signers
22. Sheet 1912: 2 affidavit signers
23. Sheet 1914: 2 affidavit signers

The inescapable conclusion is that Ms. Dart was not the circulator of at least these 23 petition sheets, and many more.

The Candidates' first rebuttal point against this quantum of evidence provided by the Objectors was that Ms. Dart looked different from the picture used in the Objectors' affidavits at the time she was gathering petition signatures in April and May. Ms. Dart claims that during that time period, she always wore a wig (like the wig she wore to the evidentiary hearing), and did not wear her hair in an afro. This particularly self-serving testimony was corroborated by no one. Moreover, in any event, it is not clear that Ms. Dart looked so starkly different from one hairdo to the next, such that she is not recognizable in the picture used by the Objectors in their affidavits.

In fact, though, Ms. Dart's testimony about her appearance while she circulated for the Libertarian Party is contradicted by several other witnesses. The only live witness (other than Ms. Dart) to testify in this matter as to Ms. Dart's appearance in April was Crystal Green, who signed Ms. Dart's petition in April. Ms. Green *confirmed* that, when she signed the petition circulated by Ms. Dart in April, Ms. Dart *was indeed wearing her hair in an afro*, and looked like the picture on the affidavit used by the Objectors.

Ms. Dart's claim that the picture on the affidavits used by the Objectors was not a true likeness was further debunked by the testimony (admissions against interest) of Carlos Rodriguez, Caitlin Huxley and Morgan Kreitner. All three assisted in collecting affidavits of Ms. Dart's petition signers, and all three testified that numerous of Ms. Dart's petition signers recognized and identified Ms. Dart (with an afro) as the individual who *was* present when they signed the Libertarian Party petition. Given that Crystal Green positively identified Ms. Dart with an afro in April, and that many other signers did so as well, Ms. Dart's claim to have looked so different than her photo is unavailing.

The Candidates' second rebuttal point was that somehow the affidavits collected by the Objectors were tainted by the presumed involvement of Carlos Rodriguez, a licensed private investigator contracted by the Objectors to assist with determining whether the petitions submitted by Mr. Bonner and Ms. Dart were valid. Ms. Dart claimed that Mr. Rodriguez threatened her with bodily and economic harm – an outlandish claim she was unable to establish except by her own self-serving testimony, and which Mr. Rodriguez quite credibly rebutted by his own testimony. The Candidates proceeded to attempt to impute their claim of Mr. Rodriguez's supposed ill motives to other individuals who work for Mr. Rodriguez, and even to volunteers for the Objectors who had nothing to do with Mr. Rodriguez. The Candidates offered not a shred of factual support for this claim, which amounted to little more than an attempted smear.

Indeed, Ms. Dart's credibility must be questioned, given that she admitted that she was not truthful with Mr. Rodriguez about her own identity (initially denying she was Sarah Dart until confronted with a positive ID). Further, in order to embellish her testimony, at hearing, Ms. Dart describes her first meeting with Mr. Rodriguez as occurring while it was dark, when in fact that meeting occurred at approximately 6:45 P.M., while still light out, as is also evident from Ms. Dart's picture.

Moreover, at the evidentiary hearing, Ms. Dart claimed that she had been staying at her friend's house on the south side of Chicago (rather than her west side home) for only approximately the last three weeks before the hearing, purportedly so she could be closer to a new restaurant with which she was involved. She testified that this restaurant had opened only two weeks earlier. When asked directly if she had been staying at her friend's house on the south side longer than three weeks, she answered flatly, "No."

However, after Ms. Dart was confronted with a copy of a letter she had written from that south side address *two years earlier* in which she describes herself as the “neighbor” of the recipient (whose property is immediately adjacent to Ms. Dart’s friend’s south side address), Ms. Dart changed her story, admitting to staying at that address “off and on” for a long time. (See Objectors’ Exhibit 23.)

Ms. Dart’s credibility with respect to collecting petition signatures must be further questioned by her testimony that she typically collects “25 to 30” signatures in an hour – an incredible rate that does not comport with typical human experience.

The only real evidence offered by the Candidates was the counter-affidavit of Juleius Hooks and the testimony of Crystal Green. The Hooks counter-affidavit claimed that Mr. Hooks had been rushed, and had been intimidated into signing an affidavit for the Objectors, because the private investigator who came to Mr. Hooks’ door carried a gun. The Candidates’ staffer, in explaining the creation and execution of Mr. Hooks’ counter-affidavit, described Mr. Hooks as perhaps having lower-than-average intelligence, as he proceeded to read Mr. Hooks’ affidavit into a recording device on his behalf.

The Objectors countered with the testimony of Caitlin Huxley, who originally notarized Mr. Hooks’ affidavit. Ms. Huxley testified that it was she, and not the private investigator who accompanied her, who personally went through Mr. Hooks’ affidavit with him, had him actually fill in his own information, and gave him time to read the affidavit. Ms. Huxley flatly denied that Mr. Hooks seemed rushed, startled or pressured when he completed his initial affidavit.

The Candidates offered Crystal Green to give live testimony that the signature on her affidavit was not hers, but rather someone else’s. The Objectors countered with the testimony of Morgan Kreitner, who was the notary for Ms. Green’s original affidavit. Ms. Kreitner testified

credibly about her two trips to Ms. Green's house in Cicero, speaking with Ms. Green's mother and child, and to witnessing Ms. Green sign an affidavit.

As discussed in the analysis of Mr. Bonner's signatures, an Objector must demonstrate by a fair preponderance of the evidence that a circulator acted fraudulently in demonstrating a pattern of fraud with regard to a circulator's petition. *In re: Bower, supra*. With regard to Ms. Dart, the evidence is convincing. Of the 96 affidavits offered by the Objectors demonstrating that Ms. Dart was not present, the Candidates only specifically refute (or try to refute) two of them. And, the Candidates' attempted refutation of each is met credibly by the testimony of the notary of each affidavit. Despite Ms. Dart's protestations to the contrary, the evidence convincingly establishes that she looked in April and May like she looks in the picture on the Objectors' affidavit, with Crystal Green testifying that she wore an afro at that time, and multiple witnesses confirming that certain petition signers did indeed positively identify Ms. Dart as having been present for their signatures. Finally, the Candidates' attempt to discredit the Objectors by an unsubstantiated attack on Carlos Rodriguez simply falls flat.

As such, each of Ms. Dart's petition sheets must be stricken. Following the records exam in this case, the Objectors contend that Ms. Dart's petition pages contain 2,886 presumptively valid signatures (as detailed in the attached spreadsheet), all of which should be deducted from the Libertarians' presumptively valid total.

(4) Jacob Witmer

The Objectors make address challenges to Jacob Witmer, Andrew Jacobs and Ryan Meszaros, charging that each have failed to state their true address on their circulators' affidavits, in violation of the Election Code.

In paragraph 19kk of the Objectors' Petition, the Objectors allege that the petition sheets purportedly circulated by Jacob Witmer should be invalidated because Mr. Witmer has not stated his true residence address on his circulator's affidavit, but rather has intentionally claimed a false, remote address in Alaska on his circulator's affidavit in order to obscure his activities. Throughout his remote testimony, Mr. Witmer claimed to reside at 6402 Hampton Drive, Anchorage, Alaska. He maintains a voter registration at that address, and claims to "rent" at that address, at a rate of a few hundred dollars every few years.

However, Mr. Witmer freely admits that he has not even been in the state of Alaska since 2006. Further, Mr. Witmer testified that he stayed at his mother's home at 1039 Everett, in Des Plaines, Illinois, when he was in Illinois circulating petitions for the Libertarian Party. Mr. Witmer confirmed that he stays at this address periodically for visits. Mr. Witmer also confirmed that he regularly uses that Des Plaines address as his home address.

In fact, in the annual report filed by Mr. Witmer in April 2014 with the Wyoming Secretary of State for Enlightenment Values, LLC, reports his principal address as 1039 Everett, Des Plaines, Illinois. Thus, in April of 2014, when Mr. Witmer had a choice as to where to declare his principal residence, he declared his Des Plaines address. Further, in January of 2014, when Mr. Witmer purchased the domain juryrevolution.com from GoDaddy, he used his Des Plaines address. Finally, earlier this year, American Legacy Financial Group, an LLC in which Mr. Witmer is a managing member, filed its annual report with the State of Nevada, in which Mr. Witmer's address is listed as 1039 Everett, Des Plaines, Illinois.

Thus, although Mr. Witmer states on his circulator affidavits that he resides in Alaska, he admits he has not set foot in the state for eight years. Rather, when Mr. Witmer wants to be

found, he chooses to use his address at 1039 Everett in Des Plaines. This is the address where Mr. Witmer actually stayed while circulating the Libertarian Party petitions.

(5) Andrew Jacobs

On the petition sheets he circulated, Mr. Jacobs states that he resides at 525 Main Avenue E, West Fargo, North Dakota, which is actually a Howard Johnson's hotel. Testifying remotely from Wyoming, Mr. Jacobs conceded that he had not stayed there since 2013 or 2012. Mr. Jacobs also testified that he does not get mail anywhere, nor does he keep a storage at any particular location.

(6) Ryan Meszaros

On the petition sheets he circulated, Mr. Meszaros states that he resides at 2988 S. Archer Avenue, Apt. 2 Rear, Chicago, Illinois. The evidence adduced at hearing, though, demonstrates that Mr. Meszaros no longer resides at this address, and has not done so for quite some time, and could not be found at this address. Mr. Meszaros could not be found in order to testify in this matter.

The decision of *Schaefflein v. Cunningham*, 969 N.E.2d 861 (1st Dist. 2012) is instructive on each of the address issues presented in this case. One of the issues presented in *Schaefflein* was whether a circulator who had provided an incorrect address on his circulator's affidavit had failed to live up to the requirements of §7-10 of the Election Code, and therefore his petition signatures should be invalidated. The circulator in *Schaefflein* was nomadic, bouncing around between several locations in the Illinois/Wisconsin area. The evidence showed that the circulator had been staying at his sister's house in Des Plaines while he circulated petitions. This circulator, however, innocently transposed two digits in his sister's address, thereby certifying to

the electoral board to be living at an address that did not exist. The circulator was eventually located, through his sister, at an address in Milwaukee.

The *Schaefflein* Court held that under the circumstances, the circulator's scrivener's error did not serve to invalidate all of the sheets that were submitted by that circulator, where no intentionally misleading conduct was shown and the circulator was eventually able to be brought before the electoral board for testimony. Here, by contrast, there is shown intentionally misleading conduct, at least by Mr. Witmer. It is uncontested that immediately prior to, during, and after the circulation period in this case, Mr. Witmer both stayed at and utilized on official documents his Des Plaines address. Yet, when he swore an official address for the purposes of certifying his petitions (an exercise he clearly found contemptible), he utilized an address in Anchorage, Alaska, where he has no legitimate lease, and has not been for 8 years.

Mr. Jacobs' case is less egregious, but nonetheless non-compliant with the Election Code. Mr. Jacobs admitted to not even having stayed at the Howard Johnson's at which he claimed to reside for at least a year, and possibly two. It is undisputed that Mr. Jacobs could not be located at that Howard Johnson's during or after the time he circulated petitions in this case. Indeed, Mr. Jacobs could make as strong a claim to residing at the hotel at which he stayed in the Bloomington, Illinois area. While both Mr. Witmer and Mr. Jacobs were produced by the Candidates and testified remotely, their production should not be the prerogative of the Candidates, who may (or may not) wish to make them available.

The evidence was undisputed that Mr. Meszaros did not reside at the address he stated. He could not be located with a subpoena, and was not produced by the Candidates. No evidence was produced by the Candidates that he resided at his claimed address or anywhere else.

The circumstances presented by each of these individuals dictates invalidating the signatures submitted by each. Following the records exam, Jacob Witmer's petitions presented 672 presumptively valid signatures, Andrew Jacobs presented 980 presumptively valid signatures, and Ryan Meszaros presented 57 presumptively valid signatures.

(7) Derek Farr

In Paragraph 19n of their Objectors Petition, the Objectors allege that Derek Farr engaged in a pattern of fraud by, among other things, obtaining numerous signatures written in the same hand. The Objectors then presented evidence, in the form of two distinct petition sheets circulated by Mr. Farr, each of which contain almost the exact same petition signers, in a slightly different order. (See Objectors' Group Exhibit 22.) The Objectors contend that these petition sheets are, in and of themselves, evidence of an intentional attempt to roundtable, or at the very least, a flagrant disregard for the certification requirement. The Candidates supplied no evidence to counter this claim. Under the principles of *Canter*, *Huskey* and *Fortas*, Mr. Farr's petition sheets should be invalidated. Following the records exam in this case, Mr. Farr's petition sheets accounted for 334 presumptively valid signatures.

(8) Harmon Challenges

In *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), the Court found appropriate the invalidation of certain petition sheets that exhibited such a low validity rate as to sustain a finding of false swearing that amounts to a pattern of fraud. In *Harmon*, where the clerk found over 50% invalid signatures on a petition page there was a basis to strike that entire page. Here, the Objectors have identified a number of circulators whose signatures submitted, in the aggregate, are at least 50% invalid, in addition to identifying numerous particular petition pages that themselves offer at least 50% invalid signatures. The full

breakdown for each circulator is found on the attached excel spreadsheet. The circulators whose signatures are at least 50% invalid following the records exam in this case are:

Elizabeth Durden. 76 signatures presented, 38 valid, for a 50% validity rate. Under the principles of *Harmon*, Ms. Durden's remaining signatures should be invalidated.

Derek Farr. 976 signatures presented, 334 valid, for a 34% validity rate. Under the principles of *Harmon*, Mr. Farr's remaining signatures should be invalidated.

Albert Leon. 887 signatures presented, 409 valid, for a 46% validity rate. Under the principles of *Harmon*, Mr. Leon's remaining signatures should be invalidated.

Yvette Moore. 1,445 signatures presented, 605 valid, for a 42% validity rate. Under the principles of *Harmon*, Ms. Moore's remaining signatures should be invalidated.

The Objectors have also identified each petition sheet circulated by the circulators identified in the Objectors' Petition on which at least 50% of the signatures submitted are invalid. Those sheets are tabulated and listed on the attached excel spreadsheet, at Sheet 2. Under the principles enunciated in *Harmon*, the remaining signatures on each such sheet should be stricken.

(9) Petition Sheet 1233

As set forth in the Objectors' Petition at Paragraph 17, Petition Sheet 1233 is neither signed by a notary, nor does it bear a notary's stamp. Each and every petition sheet must contain a circulator's affidavit that is sworn to before a notary. See, e.g., *Schaefflein v. Cunningham*, supra. Here, because Petition Sheet 1233 does not contain a sworn circulators' affidavit, said sheet is invalid.

WHEREFORE, your Objectors pray that the purported new political party petition papers of the Libertarian Party and their purported candidates for statewide office in the State of Illinois: Chad Grimm for Governor; Alexander Cummings for Lieutenant Governor; Ben Koyl for Attorney General; Julie Fox for Comptroller; Christopher Michel for Secretary of State;

Matthew Skopek for Treasurer; and Sharon Hansen for United States Senate be declared by this Honorable Electoral Board to be insufficient and not in compliance with the laws of the State of Illinois; that the Libertarian Party not qualify as a new political party at the 2014 General Election, that none of the aforesaid Candidates' names appear on the General Election ballot, and that each such name be stricken; and that this Honorable Electoral Board enter its decision declaring that the Libertarian Party shall not qualify as a new political party, and that the names of Chad Grimm for Governor; Alexander Cummings for Lieutenant Governor; Ben Koyl for Attorney General; Julie Fox for Comptroller; Christopher Michel for Secretary of State; Matthew Skopek for Treasurer; and Sharon Hansen for United States Senate as Candidates of the Libertarian Party for election to those said offices in the State of Illinois BE NOT PRINTED on the OFFICIAL BALLOT at the General Election to be held on November 4, 2014.

Respectfully submitted,

/s/ John G. Fogarty, Jr. /s/
Counsel for the Objectors

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**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OF OBJECTIONS TO THE PETITION PAPERS FOR
CANDIDATES OF NEW POLITICAL PARTIES IN THE STATE OF ILLINOIS**

LOU ATSAVES AND)
GARY GALE;)
))
Petitioner-Objectors,)
))
vs.)
))
THE LIBERTARIAN PARTY as)
a purported new political party in)
THE STATE OF ILLINOIS, et al.)
))
Respondent-Candidates.)

Case No. 14 SOEB GE 515

POST-HEARING MEMORANDUM OF LAW
IN OPPOSITION TO VERIFIED OBJECTORS PETITION

Respondent-Candidates, The Libertarian Party as a purported new political party in the State of Illinois; Chad Grimm as a Candidate for Governor; Alexander Cummings as a Candidate for Lieutenant Governor; Ben Koyl as a Candidate for Attorney General; Julie Fox as a Candidate for Comptroller; Christopher Michel as a Candidate for Secretary of State; Matthew Skopek as a Candidate for Treasurer; and Sharon Hansen as a Candidate For United States Senator (collectively the “Candidates”), by and through their attorneys, Ross D. Secler and Ben Koyl, hereby files this Post-Hearing Memorandum of Law in Opposition to the Verified Objectors’ Petition against the Petitioner-Objectors, Lou Atsaves and Gary Gale, and hereby states as follows:

INTRODUCTION

This case involves the challenge to a candidacy for the slate of candidates for the Libertarian Party seeking to run for statewide office in Illinois at the November 4, 2014 General Election. On June 30, 2014, the Objectors filed their Verified Objector’s Petition alleging, *inter*

alia, certain defects with individual petition signatures or signers and that whole nomination petition sheets circulated by certain individuals are deficient or fraudulent and should be stricken. On August 4, 5, and 6, 2014, the Parties participated in an Evidentiary Hearing at which all evidence was presented and testimony given. Upon concluding the Evidentiary Hearing, the Hearing Officer requested memoranda of law addressing certain legal issues that arose.

Because this Memorandum of Law is submitted in addition to the Evidentiary Hearing and no factual findings have been rendered, no formal recitation of the facts is included. Instead, this Memorandum addresses the issues of: (1) Objectors' reliance on *Harmon* is unwarranted when the objected-to circulators in this case have validity rates over 50% and where Objectors have failed to prove any pattern of fraud and false swearing; and (2) whether certain circulators who live nomadic, transitory lives satisfied the address requirements in the circulators' affidavit when they consistently listed addresses they each intend to be considered their residences and they testified during the Evidentiary Hearing.

The Objectors have failed to meet their burden to prove any of the allegations contained in their Petition and, as will be shown, have no factual or legal basis to their objections. Thus, the objections should all be overruled and the Candidates should be allowed to remain on the ballot for this coming General Election.

ARGUMENT

As stated before, this case involves a third party's ability to access the ballot, which has been challenged because of alleged defect in the Candidates' nomination papers and problems with their petition circulators. However, it is important to remember that the Election Code provides that the Candidates' nomination papers are deemed valid until proven otherwise. 10 ILCS 5/10-8.

With respect to all the objections made against individual petition circulators, the Objectors have the burden of proving by operation of law and by preponderance of the relevant and admissible evidence that the objections are *true* and the candidate's nomination papers are invalid. Rule 11, *Rules of Procedure adopted by State Board of Elections as the duly constituted State Officers Electoral Board* (adopted and approved July 7, 2014) [hereinafter the "Board Rules"]. After the Evidentiary Hearing and based on the legal authority contained herein, Objectors' have failed to meet their burden on any count and thus their objections should be overruled.

I. THE OBJECTORS HAVE FAILED TO PROVE ANY PATTERN OF FRAUD OR FALSE SWEARING

The Objectors' allegations of fraud and false swearing against thirty-eight petition circulators in this case are baseless. For the circulators against whom any testimony or evidence was introduced at the Evidentiary Hearing, the Objectors have wholly failed to prove that the nomination papers circulated by these individuals "demonstrate a pattern of fraud" based on the principles set forth in *Canter v. Cook Cnty. Officers Electoral Bd.*, 170 Ill. App. 3d 364, 523 N.E.2d 1299 (1988); *Huskey v. Mun. Officers Electoral Bd. for Vill. of Oak Lawn*, 156 Ill. App. 3d 201, 509 N.E.2d 555 (1987); *Fortas v. Dixon*, 122 Ill. App. 3d 697, 462 N.E.2d 615 (1984).

Pursuant to the Code, each page of signatures in a nominating petition must include a circulator statement certifying that the signatures on that page were signed in the circulator's presence and are genuine. 10 ILCS 5/7-10. Where the signature sheets of a nominating petition submitted by a circulator evidence a pattern of fraud, false swearing, and total disregard for the requirements of the Code, the sheets circulated by that individual should be stricken in their entirety. *Canter v. Cook Cnty. Officers Electoral Bd.*, 170 Ill. App. 3d 364, 368 (1988). Accordingly, in order to strike the petition sheets for the circulators in question, the Objectors

must meet a demanding standard by proving a pattern of fraud, which includes “false swearing” *and* “total disregard for the requirements of the Code.” *Id.* at 368. Merely alleging technical errors or superficial deficiencies is insufficient. The burden on the Objectors is nothing less than to demonstrate by a preponderance of the evidence total disregard for the requirements of the Election Code. As discussed below, the Objectors have failed to adduce evidence to meet this burden in any way — they have not demonstrated any false swearing and have not in any way shown a “total disregard” for the requirements of the law.

At the hearing, the Objectors presented affidavits that purported to impeach the credibility of certain circulators. However, as demonstrated at the hearing, there has been ample evidence adduced to erase the credibility of the Objectors evidence, which are little more than baseless allegations, unpersuasive and unsupported by verifiable facts. Notably, Candidates’ Rebuttal Exhibit Group C (the counter-affidavit of Julius Hooks) in addition to the testimony of Crystal Green, calls into serious question any of the alleged affidavits put forth by Objectors.

Instead of adducing evidence to meet their burden of persuasion, Objectors have failed to marshal any credible or persuasive evidence and instead attempt to rely on an erroneous interpretation of an inapposite case. As the Objectors presented no evidence against many of the objected-to circulators, it would seem as though the Objectors rely on a false interpretation of the holding in *Harmon v. Town of Cicero Mun. Officers Electoral Bd.*, 371 Ill. App. 3d 1111, 864 N.E.2d 996 (2007) as a way to eliminate all the signatures on petition sheets based on validity rates after the records examination.

For the reasons set forth herein, the Objectors reliance on *Harmon* in this case is unwarranted and, further, after having concluded the evidentiary hearing, it is clear that *Harmon* is inapplicable because it is, *inter alia*, factually inapposite.

A. Objectors Erroneously Rely on *Harmon*

The Objectors have attempted to rely on *Harmon* as a way to disqualify all signatures on nominating petitions circulated by thirty-three of the total thirty-eight objected-to circulators. At the Evidentiary Hearing, Objectors only presented evidence against eight circulators (one of which, Ryan Mezaros, was not objected-to under *Harmon*). For these circulators, any reliance on *Harmon* is misguided as there are nowhere near the levels of invalidity rates in this case as there were in *Harmon* and, further, Objectors have wholly failed to prove any pattern of fraud in this case let alone show any similarity to egregious nature of facts in *Harmon* or the definitive pattern of fraud cases. See “Exhibit A” (detailing a page-by-page breakdown of the records examination results and validity rates for each circulator). For all of the other objections made citing *Harmon*, the Objectors are simply attempting to use *Harmon* to find support for their pattern of fraud argument, which they cannot support with evidence.

In *Harmon*, the electoral board at issue concluded that, among many problems with the candidate’s nominating petition circulation, “at least half” of the objections to signatures on twenty-five of the candidate’s petitions had been sustained, which showed a pattern of fraud and false swearing that warranted striking all signatures on those pages. *Harmon*, 371 Ill. App. 3d at 1114. On judicial review in the circuit court, the court reversed the electoral board’s decision. *Id.* at 115. The appellate court then reversed the circuit court and affirmed the electoral board’s decision reasoning that, “[t]he Board provided us with several distinct bases for its rulings, and the Board clarified which factual findings led to each basis for its ruling. We may affirm the Board’s decision if the facts in the record suffice to support any one basis for the Board’s decision.” *Id.* at 116, citing *Younge v. Bd. of Education of the City of Chicago*, 338 Ill. App. 3d 522, 530 (2003). The Board and appellate court in *Harmon* ruled that a pattern of fraud and false

swearing existed for rather broad reasons. *Harmon*, Ill. App. 3d at 1115-17. Thus, as applied to finding a pattern of fraud, *Harmon* stands for the proposition that an electoral board is **permitted** to find that a candidate or circulator has engaged in a pattern of fraud and false swearing where that candidate or circulator submits signatures and fifty percent or more of those signatures are invalidated so long as the record supports the electoral board's conclusion. *Id.*

However, when examined carefully, *Harmon* does not stand as a guidepost for pattern of fraud cases, but as a re-affirmation on the principles of deference to electoral board findings during judicial review. As explained by the First District Appellate Court in a subsequent case, “[W]hen this court affirmed the Board's decision in *Harmon*, we did not hold that the Board is required to strike an entire sheet of signatures when a certain percentage of the signatures therein are found to be ‘not genuine,’ but rather affirmed the Board's exercise of its discretion in that case.” *Crossman v. Bd. of Election Comm'rs of City of Chicago*, 2012 IL App (1st) 120291, 966 N.E.2d 518, 521. This Board should not confuse the *Harmon* court's strong reaction to outrageous candidate behavior in an election board proceeding with the *Harmon* court's actual holding.

The court's holding *Harmon* shows that an Illinois court will support an electoral board that responds to outrageous candidate behavior in a ballot access hearing, (i.e. by corrupting and tainting a sequestered witness) by striking a candidate's nominating petitions and disqualifying the candidate from appearing on the ballot when the manifest weight of the evidence is not to the contrary. *Harmon* stands for nothing more and nothing less. Thus, as stated by the electoral board in *Castillo v. Cook Cnty. Officers Electoral Bd*, 378 Ill. App. 3d 1115 (2008) (Rule 23 Order), “Mere numbers without reasons are not apt to carry a burden of proof as weighty as fraud.” Hence, *Harmon* does not provide an avenue for the Objectors to strike whole petition

sheets from circulators against whom no additional evidence was presented other than the general objections in Objectors' Petition and those presented as part of the records examination, and there is no basis for finding a pattern of fraud or false swearing for those circulators or even the ones against whom *some* case was actually attempted.

It should also be noted that a major point within the *Harmon* decision involved the reliance on affidavits. In *Harmon*, like here, the Board rules expressly permit the use and reliance upon affidavits. *Harmon*, 371 Ill. App. 3d. at 1116. However, in *Harmon*, the court reasoned that “the subpoena power here, as in *Dombrowski v. City of Chicago*, 363 Ill. App. 3d 420, 427 . . . (2005), sufficiently protected the candidates' rights to due process. Here, as part of Objector's pre-trial disclosures, the Objectors submitted hundreds of purported affidavits. Candidates requested the ability to subpoena these individuals and require them to testify at the evidentiary hearing, but were denied. The Candidates, in this case, did **not** fail “to exercise the right to subpoena affiants” and thus the Candidates must re-iterate that they have not failed to exercise that right they have been deprived of. *Id.*

B. Objectors Have Failed to Prove a Pattern of Fraud and False Swearing

The bulk of the evidence Objectors introduced at the Evidentiary Hearing, mainly by way of purported affidavits, was an attempt to show that certain circulators participated in some pattern of fraud or false swearing. Nevertheless, despite the numerous affidavits, about which Candidates have introduced evidence and testimony calling into question their veracity and the means by which they were obtained, the Objectors have wholly failed their burden to prove a pattern of fraud.

In all three of the seminal pattern of fraud cases, *Fortas*, *Huskey* and *Canter*, circulators, on the stand, admitted to misbehavior and fraudulent conduct. Each of these three cases, and the

subsequent cases that rely upon their rulings, deal with particularly egregious and outrageous candidate or circulator behavior. Conversely, here, five of the circulators (Darryl Bonner, Sarah Dart, Brian Lambrecht, Andrew Jacobs, and Jacob Witmer) testified credibly, extensively and unequivocally that they properly performed their duties, intended to properly perform their duties, and, when they signed their circulator affidavits, believed that they had properly performed their duties. The testimony of these circulators does not show any systematic, fraud-driven behavior on their own part or on behalf of the Candidates. In fact, the testimony of Sarah Dart, in conjunction with her affidavit (Candidates' Rebuttal Exhibit D), the affidavit of Julius Hooks (Candidates' Rebuttal Exhibit C) and the testimony of Crystal Green, call into serious question the evidence presented by Objectors with which they wish to prove some fraudulent motive.

Since the decisions of *Buckley v. Am. Constitutional Law Found., Inc.*, 525 U.S. 182 (1999) and *Krislov v. Rednour*, 97 F. Supp. 2d 862 (N.D. Ill. 2000) found unconstitutional the requirement that the political petition circulators must be registered in the district of candidacy, it was predictable that itinerant and transient paid petition circulator would rise. That is the case at hand- a number of circulators traveled to Illinois to work on behalf of the Candidates. The fact that these circulators may have little knowledge of the State is irrelevant to any pattern of fraud theory. As the Candidates have merely exercised their constitutional rights to have a mix of paid and volunteer petition canvassers, the Candidates should certainly not be penalized for utilizing them.

As the Objectors have failed to show any legitimate pattern of fraud and have improperly relied upon an interpretation of *Harmon*, the Objectors have failed their burden to prove the Candidates and their circulators are in any way involved in a pattern of fraud or false swearing

and therefore, the Candidates should be rightfully allowed to remain on the ballot.

II. THE CIRCULATORS CERTIFIED WHERE THEY “RESIDE AT” AND MET THE LEGAL REQUIREMENTS IN THE CIRCULATOR’S STATEMENT

The allegations within Objectors’ Petition contending that a number of circulators “intentionally claimed a false address” on his or her circulator’s affidavit, as a reason for striking all petition sheets circulated by that individual circulator, are baseless and contrary to law. Except for one instance, no other residence is specifically cited. It is the burden of the Objectors to prove their allegations against the circulators and that the circulators did not “reside at” the stated address at the time he or she circulated petitions. The Objectors have failed this burden.

The Supreme Court of Illinois has held that administrative bodies and courts must “tread cautiously when construing statutory language which restricted the people’s right to endorse and nominate the candidate of their choice.” *Lucas v. Lakin*, 175 Ill. 2d 166, 176 (1997). The provisions of the Election Code are designed to protect the integrity of the electoral process and that access to a place on the ballot is a substantial right not lightly to be denied. *Welch v. Johnson*, 147 Ill. 2d 40, 56 (1992).

Although the modern world and modern lifestyle presents unique problems for courts to decide, answering the question of where one “resides at” has long been established in Illinois law. As the Illinois Supreme Court asserted in 1875, “No man in active life, in this State, can say, wherever he may be placed, this is and ever shall be my permanent abode. It would be safe to say a permanent abode, in the sense of the statute, means nothing more than a domicil, a home, which the party is at liberty to leave, as interest or whim may dictate, but without any present intention to change it.” *Dale v. Irwin*, 78 Ill. 170, 181-82 (1875). The question of residency, at its core, is largely a question of intent. *Blankenship v. Israel*, 132 Ill. 514, 521, 24 N.E. 615, 617 (1890).

This liberal standard defining where one resides at is *further* liberalized when distinguishing between the standards applicable to candidates, registered voters, and petition signers, and it would seem as though a far less strict definition of “residence” applies to circulators over what seems like a definition of “domicile” applying to the aforementioned participants. See *Buckley*, 525 U.S. at 196-197 (ruling that voter-registration requirements for circulators of an initiative petition in Colorado was unconstitutional); *Tobin for Governor v. Illinois State Bd. of Elections*, 105 F. Supp. 2d 882, 888 (ND Ill. 2000) (striking down as unconstitutional the requirement in Illinois Election law that circulators need to be registered voters); *Krislov v. Rednour*, No. 993801, 2000 WL 1268134, at 10-11 (7th Cir. Sept. 5, 2000) (holding that 10 ILCS 5/7-10's residency and registrations requirements for petition circulators violate the First Amendment rights of political candidates to the extent that the requirements restrict the use of non-residents to speak on the politician's behalf in soliciting signatures for ballot access). The similar requirement that petition circulators must be registered voters in the political district in which that petition is being circulated under 10 ILCS 5/10-4 was likewise struck down as unconstitutional in *Young v. Illinois State Bd. of Elections*, 116 F. Supp. 2d 977, 987 (N.D. Ill. 2000).

In the present case, the Objectors have failed to bring forth any evidence against many of the circulators whom they have levied an address-based objection against. The purported evidence brought against Ryan Meszaros is more a factual matter and the lack of any actual evidence that Mr. Meszaros intentionally falsified his address at the time he circulated petitions speaks for itself. Instead, the legal question about defining where one “resides at” for circulators of nominating petitions applies to two circulators in this case: Jacob Witmer and Andrew Jacobs. Both testified at the evidentiary hearing and clearly stated that their intended residence is the one

listed on their circulator affidavits. The Objectors have not brought forth any evidence to support an allegation that the addresses given by Mr. Witmer and Mr. Jacobs (and all the other objected-to circulators) is in any way fraudulent or deceptive. Both Mr. Witmer and Mr. Jacobs live nomadic, transitory lives as professional, paid petition canvassers. The legal authority regarding residency requirements for candidates, registered voters, or even petition signers has no logical application for Mr. Witmer and Mr. Jacobs, and as the laws controlling petition circulators' address requirements have liberalized, there is no basis upon which these circulators should be disqualified.

Furthermore, Objectors here cite *Sakonyi v. Lindsey*, 261 Ill. App. 3d. 821 (1994), where the court concluded that three petition sheets were not invalid because the circulator's address was found on another petition sheet where the circulator had signed as a voter. *Id.* at 826. But, *Sakonyi* provides no support for Objectors' argument. In *Sakonyi*, the court refused to invalidate a candidate's petitions even though a circulator failed to list the circulator's address in the circulator attestation on several petition sheets. *Id.* As the court in *Sakonyi* explained, the reasons for the circulator affidavit is to eliminate fraudulent conduct and that the purpose of listing the address of a petition circulator helps protect the integrity of the political process by "enabl[ing] the [electoral board] to locate [the circulator], question her about the signatures, and hold her responsible for her oath. *Id.* at 825-26; *Cunningham v. Schaefflein*, 2012 IL App (1st) 120592, 969 N.E.2d 861, 870. In fact, "[l]isting the circulator's address is simply the method used by the Election Code to locate a circulator in the event he is needed to testify before an electoral board." *Cunningham*, 2012 IL App (1st) 120592, 969 N.E.2d at 871, citing *O'Connor v. Cook Cnty. Officers Electoral Bd.*, 281 Ill. App. 3d 1108, 1112 (1996). It is not even a requirement that the circulator's address be accurately written somewhere in the petition sheets-

just that the circulator is able to be located. *Sakonyi*, 261 Ill. 3d. at 825-6. In *Cunningham*, a circulator consistently made an error when writing his address in the circulator's affidavit and even if the address he intended to put down was correct, the circulator would not have been servable at that address. *Cunningham*, 2012 IL App (1st) 120592, 969 N.E.2d. at 866, 870-71.

The court in *Cunningham* held that

“The error in the address in this case did not preclude the parties from locating the circulator and holding him to his oath . . . Under these circumstances, where [the circulator] mistakenly transposed two digits in his street address on his petition sheets, yet he was located and able to testify before the Board, the minor error in the circulator's address should not serve to invalidate all petitions circulated by him.”

Id. at 871.

The court further concluded that “[u]ltimately, even with the error in the address, the candidate was able to locate [the circulator] and bring him before the Board to confirm his address and describe the circulation and notarization process in detail.” In *Cunningham*, the court emphasized that “substantial compliance” with the requirements relating to a circulator's address is legally sufficient: “substantial compliance can satisfy a mandatory provision of the Election Code, however, as even a mandatory provision does not require strict compliance. *Cunningham*, 2012 IL App (1st) 120592, 969 N.E.2d at 871, citing *Siegel v. Lake Cnty. Officers Electoral Bd.*, 385 Ill. 3d 452, 460 (2008); *see also Brennan*, 335 Ill. 3d at 719 (circulators' affidavits that failed to state that voters who signed the petition were registered voters substantially complied with Election Code, where opening line of petition stated that voters were registered); *Nolan v. Cook County Officers Electoral Board*, 329 Ill. App. 3d 52, 54, 56-57 (2002) (finding circulators' affidavits that failed to state that petition signers were qualified primary voters substantially complied with section 8-8 of the Election Code, 10 ILCS 5/8-8,

where prefatory language on the petition indicated that signers were “qualified primary voters”)

Considering the facts in the instant case in light of the holdings set forth in *Sakonyi* and *Cunningham* compels an unambiguous conclusion: the circulator affidavit (attestation) on the petitions submitted by the circulators in question was more than sufficient as a matter of law. In *Sakonyi* and *Cunningham* the court determined that the circulators’ affidavits were legally sufficient even though no circulator address was listed. Here there is no question as to whether the circulators listed an address. There is only a spurious claim by the objectors, which was refuted in testimony given under oath by the circulators that the addresses that they listed were, in fact, accurate.

Moreover, in the instant case, the Candidates were able to locate the circulators whose residency is in question. As stated, the objectors had an opportunity to question, in front of the hearing officer, both of the circulators. The sworn testimony of the circulators combined with the additional confirmatory evidence adduced in the hearing give substantial factual support for the credibility and reliability of the circulators’ affidavits. This is not a case of a complete failure to record *any* address as in *Schuman v. Kumarich*, 102 Ill. App. 3d. 454, 457-58 (1981). Nor is this a case where the circulators in question attempted to mislead the Board. Regarding Mr. Witmer and Mr. Jacobs, there has been no evidence brought forth to suggest that these individuals were not the actual petition circulators, and Objectors had the opportunity to question both Mr. Witmer and Mr. Jacobs at the evidentiary hearing.

The purpose of the circulator address requirement was served here and thus the Objectors have failed to show any valid reason why these circulators’ petition sheets should be stricken. These facts, especially when considered in light of the preference of the law in Illinois to construe statutory requirements in a way that enables ballot access (*See, e.g., McGuire v. Nogaj*,

146 Ill. App. 3d 280, 282 (1986) (access to the ballot “is not to be prohibited or curtailed except by plain provisions of the law”), demonstrate that the appropriate course in this matter is to overrule the Objectors’ objection to the petitions submitted by the challenged circulators. Therefore, the objections as they relate to circulator residency should be overruled in their entirety, as they are baseless in both law and fact.

III. THE OBJECTIONS AGAINST DARRYL BONNER AND SHARON ROSENBLUM SHOULD BE OVERRULED BECAUSE THE OBJECTIONS ARE LEGALLY DEFICIENT

The Objections against Darryl Bonner should be overruled as he has satisfied the requirements of having all petition signers sign in his “presence.” Additionally, the objections raised against Sharon Rosenblum (*See* Objectors’ Exhibits 1 and 2) are deficient as 10 ILCS 10-4 did not prohibit Ms. Rosenblum from circulating for the Candidates in this case.

It should be noted that even without the signatures collected by Darryl Bonner (and Sharon Rosenblum, discussed *infra*), the Candidates will have a sufficient number of signatures to remain on the ballot. However, as many of these legal issues have remained ambiguous, the Candidates have taken the opportunity to address them.

A. The Petitions Circulated By Darryl Bonner Were Signed In His “Presence”

Illinois courts have consistently applied a liberal standard to the meaning of what it means for petition signers to sign in the circulator’s “presence” as to comply with the requirements of the circulator’s affidavit and Illinois election law. Although Mr. Bonner testified that, at certain times, he circulated with his friend and fellow, professional circulator named James Taylor (“JT”). Mr. Bonner testified that, because of a serious heart condition and the advice of JT, Mr. Bonner did not personally hold the clipboard with the nominating petitions for

people to sign when he and JT were together, but that Mr. Bonner would watch the petition signers from a short distance away while sitting in a car with the windows and/or door open. From Mr. Bonner's testimony, he has sufficiently complied with the terms of the circulator's affidavits that he signed as the petition signers were within his "presence."

The case, *People v. McCulloch*, 404 Ill. App. 3d 125, 129, 936 N.E.2d 743, 747 (2010), distills the principles and definition of "presence" in this context, but has clearly distinguishable facts. In *McCulloch*, the circulator in question (McCulloch) admitted that he had worked with a team of people who would have the nominating petition clipboards, but that McCulloch would stay in his car and drive down the block. *McCulloch*, 404 Ill. App. 3d at 126. Mr. Bonner sitting in his car twenty feet away can easily be distinguished from McCulloch driving down the street with people in between him and the people actually circulating the petition. More importantly, the court in *McCulloch* reasoned that, "[i]f the person circulating a petition actually saw each of the signatories sign it, there is no violation of the statutory requirements, even if he or she did not physically present the petition to some of them. *McCulloch*, 404 Ill. App. 3d. at 129 citing *Ramirez v. Andrade*, 372 Ill. App. 3d 68, 74-75 (2007) and *Moscardini v. Cnty. Officers Electoral Board*, 224 Ill. App. 3d 1059, 1062-63 (1992). Instead, a signature is made in the petition circulator's presence when he or she had ample opportunity to see the signature being made. *McCulloch*, 404 Ill. App. 3d. at 130 citing *Moscardini*, 224 Ill. App. 3d at 1062 (applying by analogy the requirement for witnessing a will in the decedent's presence)."

Moscardini, is far more similar to the present case and Mr. Bonner. In *Moscardini*, objectors challenged signatures on a campaign petition and introduced affidavits from people who asserted that they did not sign the petitions in the presence of the circulator in question. *Moscardini*, 224 Ill.App.3d at 1060–61. The circulator in question testified that, because of a

medical condition that made walking painful, she did not walk to the front door of every residence, but that she stood 20 feet or less away while another person took the petitions to the door. *Id.* The circulator testified that she was able to see, and did see, all of the signatories actually place their signatures on the petitions and provided affidavits from the people who assisted her to corroborate her statements. *Id.* The Illinois Appellate Court (Second District) held that the circulator need not be the person who actually hands the petition to the signatory and that the signatures were made in the circulator's presence because she not only had ample opportunity to see the signatures being made, but she also actually saw them. *Id.* at 1062. The Objectors did not subpoena. However, Objectors did submit a five purported affidavits from petition signers describing a man with a similar description to that of JT as the person who they remember circulating the nominating petitions. If anything, Objectors own affidavits (Objectors Group Exhibits 4, 5, and 6) lend credibility to Mr. Bonner's testimony that he work with JT and that he witnessed all of the signatures gathered from a short distance away.

Therefore, based on the testimony of Mr. Bonner and even based on the affidavits submitted by Objectors, Mr. Bonner has satisfied the requirement that the petition signers sign in his "presence" because he testified that he did see each signature made, but that his co-worker friend held the clipboard. The petition sheets circulated by Mr. Bonner are valid and Objectors allegations against them should be overruled.

**B. Section 10-4 Of The Election Code Does Not Invalidate Petitions Circulated
By Sharon Rosenblum**

Objectors seek to strike all of the signatures (approximately 1,170 presumptively good signatures) on the petition sheets circulated by Sharon Rosenblum because she circulated for a different candidate, running for a different office in the previous General Primary Election, which seems prohibited by 10 ILCS 5/10-4. However, it is the "policy of this state is to provide

candidates for public office with access to the ballots and, thus, to allow the citizens a vote,” *Carlasare v. Will Cnty. Officers Electoral Bd.*, 2012 IL App (3d) 120699, 977 N.E.2d 298, 304 *appeal denied, stay denied*, 992 N.E.2d 1228 (Ill. 2012). Thus, Section 10-4 of the Election code must be interpreted and construed in this light. *Sandefur v. Cunningham Twp. Officers Electoral Bd.*, 2013 IL App (4th) 130127, 987 N.E.2d 808, 812.

Section 10-4 of the Election Code, in pertinent part, states that “no person shall circulate or certify petitions for candidates of more than one political party, or for an independent candidate or candidates in addition to one political party, to be voted upon at the next primary or general election, or for such candidates and parties with respect to the same political subdivision at the next consolidated election.” 10 ILCS 5/10-4. There is a clear ambiguity as to the meaning of this part of the statute, and courts have interpreted it in different ways.

In *Sandefur*, the Fourth District Appellate Court held that Section 10-4 did not prevent a candidate and her husband from circulating petitions for the candidate first in the Democratic consolidated primary election, and then as an independent candidate in the consolidated general election. *Sandefur*, 987 N.E.2d at 810. The court in *Sandefur* dealt extensively with the interpretation of 10-4 and its plain meaning. *Id.* at 811-12. While the present case does not involve a *consolidated* election, it still holds that the Ms. Rosenblum should not be barred from circulating for the Libertarian Party’s statewide slate of candidates after having circulated for a Democratic candidate running for State Representative. In *Sandefur*, both the candidate and her husband were afforded the right to circulate and certify signatures as both Democrats and as Independents. In reality, the candidate in *Sandefur* was allowed to run for office even after an unsuccessful bid in her primary. The Candidates are not asking for nearly the same level of leniency.

The Candidates here contend that they should not be penalized because one circulator worked for a legislative candidate running in a Democratic Primary in the City of Chicago. Additionally, the primary race in question had no Republican challenger nor does it have any independent or new party challenge. This is not the case where the candidates seek another attempt to be on the ballot after having failed to do so in a General Primary. *See Citizens for John W. Moore Party v. Bd. of Election Comm'rs of City of Chicago*, 665 F. Supp. 1334, 1336 (N.D. Ill. 1987) aff'd, 845 F.2d 144 (7th Cir. 1988). Here, the Candidates seek to be on the ballot for the first time in this Election Cycle as a slate of candidates for statewide office. There is no allegation that the Candidates attempted to run for any office for any other party in the previous General Primary.

Objectors' Group Exhibits 1 and 2 try to show that Sharon Rosenblum circulated for Wendy Jo Harmston, an unsuccessful candidate who ran in the Democratic General Primary for State Representative in Illinois' 40th District. Article 8 of the Election Code, which specifically deals with elections for the General Assembly, covered this past race. Under Article 8, there is no prohibition against circulators for legislative candidates circulating for more than one established party. *Strnad v. Foss*, 08-EB-WC-05, citing *Hendon v. Davis*, 02-EB-SS-10, CBEC, January 21, 2002. Hence, Ms. Rosenblum circulating for a legislative candidate of an established political party should not necessarily now invalidate her petitions circulated for a statewide slate of candidates for a new political party. *See also* *Strnad v. Reboyras*, 08-EB-WC-06, CBEC, December 11, 2007; *Hernandez v. Berrios*, 08-EB-WC-07, CBEC, December 14, 2007; *Hendon v. Davis*, 02-EB-SS-10, CBEC, January 31, 2002; *Raether v. Shlifka*, 88-EB-WD-62, CBEC, January 26, 1988.

Because Section 10-4 should not invalidate the petition sheets circulated by Sharon

Rosenblum and because Objectors have not proffered any other evidence regarding their allegations of fraud and false swearing brought against Ms. Rosenblum, the objections raised against Ms. Rosenblum should be overruled.

CONCLUSION

WHEREFORE, the Candidates request that this Board overrule all of objections contained in the Verified Objectors' Petition and hold that the Candidates' names shall appear on the ballot as The Libertarian Party as a purported new political party in the State of Illinois; Chad Grimm as a Candidate for Governor; Alexander Cummings as a Candidate for Lieutenant Governor; Ben Koyl as a Candidate for Attorney General; Julie Fox as a Candidate for Comptroller; Christopher Michel as a Candidate for Secretary of State; Matthew Skopek as a Candidate for Treasurer; and Sharon Hansen as a Candidate For United States Senator to be voted upon at the General Election to occur November 4, 2014.

Respectfully Submitted,

/s/ Ross D. Secler
One of the Attorneys for
Respondent-Candidates

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OBJECTED-TO CIRCULATOR	Total Signatures Collected	Total Signatures Objected-to	# of Signatures Accepted	Total Objections Sustained	Total Objections Overruled	TOTAL GOOD SIGNATURES	FINAL VALIDITY %
Darryl Bonner	4209	2164	2045	1140	1024	3069	73%
Sarah Dart	3920	2058	1862	1044	1011	2873	73%
Richard Reeves	3175	1802	1373	1108	705	2078	65%
Sharon Rosenblum	1598	894	704	428	466	1170	73%
Yvette Moore	1445	1196	249	840	249	498	34%

POST-HEARING BRIEF, EXHIBIT A
Objected-to Circulator Validity Rates

Andrew Jacobs	1255	614	641	308	296		937	75%
Brian Lambrecht	1377	570	807	258	312		1119	81%
Richard Salway	1099	463	636	192	271		907	83%
Alexander Cummings	957	410	547	198	212		759	79%
Jacob Witmer	936	480	456	263	216		672	72%
Derek Farr	858	690	168	577	110		278	32%

POST-HEARING BRIEF, EXHIBIT A
 Objected-to Circulator Validity Rates

Olynthia Jackson	907	528	379	313	215		594	65%
Albert Leon	887	678	209	478	200		409	46%
Kenneth Prazak	835	422	413	149	260		673	81%
Carl Childress	738	370	368	186	184		552	75%
Frederick Roy Morse II	1321	291	1030	114	177		1207	91%
Anthony Bonds	736	442	294	249	202		496	67%

POST-HEARING BRIEF, EXHIBIT A
 Objected-to Circulator Validity Rates

Debra Winkelman	718	425	293	194	230		523	73%
Darren Heard	567	326	241	229	97		338	60%
Lemont Jackson	417	302	115	189	125		240	58%
Cynthia Redd	419	233	186	119	114		300	72%
Toni Banks	369	256	113	160	96		209	57%
Christina Frazier	329	261	68	158	103		171	52%

POST-HEARING BRIEF, EXHIBIT A
 Objected-to Circulator Validity Rates

Sharon Phillips	200	145	55	75	70		125	63%
Michael Pearson	182	103	79	60	43		122	67%
Thomas Hill	177	69	108	26	43		151	85%
Ramiro Zacarias	152	88	64	48	40		104	68%
Candice Foley	110	51	59	20	31		90	82%
Robert Armstrong	73	29	44	10	19		63	86%

POST-HEARING BRIEF, EXHIBIT A
 Objected-to Circulator Validity Rates

Paul Clark	88	40	48	17	23		71	81%
Yechiel Comrov	77	50	27	28	22		49	64%
Elizabeth Durden	76	49	27	38	11		38	50%
Kelvin Jenkins	100	58	42	21	37		79	79%
Ryan Meszaros	91	50	41	34	16		57	63%
Menachem Comrov	56	27	29	20	7		36	64%

POST-HEARING BRIEF, EXHIBIT A
 Objected-to Circulator Validity Rates

[illegible]

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OF OBJECTIONS TO THE PETITION PAPERS FOR
CANDIDATES OF NEW POLITICAL PARTIES IN THE STATE OF ILLINOIS**

Lou Atsaves and Gary Gale;)
Petitioner-Objectors,)
)
vs.)
)
The Libertarian Party as a)
purported new political party in)
the State of Illinois; Chad Grimm)
as a Candidate for Governor;)
Alexander Cummings as a)
Candidate for Lieutenant)
Governor; Ben Koyl as a)
Candidate for Attorney General;)
Julie Fox as a Candidate for)
Comptroller; Christopher Michel)
as a Candidate for Secretary of)
State; Matthew Skopek as a)
Candidate for Treasurer; and)
Sharon Hansen as a Candidate)
For United States Senate;)
)
Respondent-Candidates.)

ORIGINAL ON FILE AT
 STATE BD OF ELECTIONS
 ORIGINAL TIME STAMPED
 AT 2014 JUN 30 PM 301
/km

VERIFIED OBJECTORS' PETITION

Now come Lou Atsaves and Gary Gale (hereinafter referred to as the "Objectors"), and state as follows:

1. Lou Atsaves resides at 745 E. Northmoor Road, Lake Forest, Illinois, 60045, in the County of Lake and State of Illinois, that he is duly qualified, registered and a legal voter at such address; that his interest in filing the following objections is that of a citizen desirous of seeing to it that the laws governing the filing of nomination papers of any group of persons desiring to form a new political party throughout the State of Illinois are properly complied with and that only qualified new political parties appear upon the General Election ballot and only

qualified candidates of such new political parties have their names appear upon the General Election ballot as candidates for office.

2. Gary Gale resides at 481 Green Bay Road, Highland Park, Illinois, 60035, Lake County, in the State of Illinois; that he is duly qualified, registered and a legal voter at such address; that his interest in filing the following objections is that of a citizen desirous of seeing to it that the laws governing the filing of nomination papers of any group of persons desiring to form a new political party throughout the State of Illinois are properly complied with and that only qualified new political parties appear upon the General Election ballot and only qualified candidates of such new political parties have their names appear upon the General Election ballot as candidates for office.

3. Your Objectors make the following objections to the new political party nomination papers of the Libertarian Party and their purported candidates for statewide office in the State of Illinois: Chad Grimm for Governor; Alexander Cummings for Lieutenant Governor; Ben Koyl for Attorney General; Julie Fox for Comptroller; Christopher Michel for Secretary of State; Matthew Skopek for Treasurer; and Sharon Hansen for United States Senate ("the Nomination Papers"), and files the same herewith, and states that the said Nomination Papers are insufficient in law and in fact for the following reasons:

4. Your Objectors state that in the State of Illinois the signatures of not fewer than 25,000 duly qualified, registered, and legal voters of the State of Illinois are required to form a new political party throughout the state. In addition, said Nomination Papers must truthfully allege the qualifications of the candidate, be gathered and presented in the manner provided for in the Illinois Election Code, and otherwise be executed in the form and manner required by law.

5. Your Objectors state that the Libertarian Party has filed 2,348 petition signature sheets containing a total of 43,139 signatures of allegedly duly qualified, legal, and registered voters of the State of Illinois.

6. Your Objectors state that the laws pertaining to the securing of ballot access require that certain requirements be met as established by law. Filings made contrary to such requirements must be voided, being in violation of the statutes in such cases made and provided.

7. Your Objectors further state that the said Nomination Papers contain the names of numerous persons who did not sign the said nomination papers in their own proper persons, and that the said signatures are not genuine, as more fully set forth in the Appendix-Recapitulation under the column designated "(A) SIGNATURE NOT GENUINE," attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

8. Your Objectors further state that the aforesaid Nomination Papers contain the names of numerous persons who are not in fact duly qualified, registered, and legal voters at the addresses shown opposite their names in the State of Illinois and their signatures are therefore invalid, as more fully set forth in the Appendix Recapitulation under the column designated "(B) SIGNER NOT REGISTERED AT ADDRESS SHOWN," attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

9. Your Objectors further state that the said Nomination Papers contain the names of persons who have signed said petition but who are not, in fact, duly qualified, registered, and legal voters at addresses that are located within the State of Illinois as shown by the addresses they have given on the petition, as more fully set forth in the Appendix-Recapitulation under the column designated "(C) SIGNER DOES NOT RESIDE IN DISTRICT (OUTSIDE IL),"

attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

10. Your Objectors state that said Nominating Papers contain the signatures of various individuals who have listed incomplete addresses as their own legal addresses, as more fully set forth in the Appendix-Recapitulation, under the column designated “(D) SIGNER’S ADDRESS IS MISSING OR INCOMPLETE” attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

11. Your Objectors further state that said Nomination Papers contain the signatures of various individuals who have signed the petition more than once, and such duplicate signatures are invalid, as more fully set forth in the Appendix-Recapitulation, under the column designated “(E) SIGNER SIGNED PETITION MORE THAN ONCE AT SHEET/LINE NUMBER INDICATED,” with a further notation therein of the sheet and line numbers of the alleged duplicate signature(s), attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

12. Your Objectors state that said Nomination Papers contain the signatures of various individuals who have also signed a nominating petition for another political party, thereby precluding them from petitioning to form a new political party and attempt to access the ballot in the 2014 General Election, as more fully set forth in the Appendix-Recapitulation, under the column designated “(F) SIGNER SIGNED PETITION OF DIFFERENT POLITICAL PARTY” attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

13. Your Objectors state that said Nomination Papers contain petition sheets containing the names of persons as circulators of said petition sheets who circulated petition

sheets for a candidate of another political party as is set forth specifically in the Appendix-Recapitulation, at the space designated "CIRCULATOR CIRCULATED FOR A CANDIDATE OF ANOTHER POLITICAL PARTY" attached hereto and made a part hereof, all of said petition sheets being in violation of the statutes in such cases made and provided. This allegation is made with specific reference to the petition sheets circulated by at least the following individuals:

- a. Sharon Rosenblum. Sharon Rosenblum purports to have circulated petition page nos: 169, 180, 193, 196, 203, 206, 208, 233, 240, 244, 246, 250, 256, 261, 265, 276, 299, 319, 324, 343, 362, 398, 405, 423, 433, 441, 447, 462, 469, 547, 560, 563, 572, 597, 645, 649, 672, 678, 682, 691, 700, 711, 728, 756, 761, 774, 781, 783, 784, 788, 791, 794, 818, 833, 874, 904, 914, 926, 952, 966, 975, 1950, 1964, 1968, 1972, 1975, 1977, 1980, 1982, 1986, 1987, 1992, 1993, 1998, 1999, 2007, 2010, 2014, 2016, 2017, 2021, 2026, 2028, 2042, 2054, 2067, 2074, 2088, 2096, 2101, 2124, 2149, 2155, 2170, 2200, 2208, 2209, 2217, 2219, 2220, 2221, 2235, 2241. Sharon Rosenblum also circulated nominating petitions for Wendy Jo Harmston as a Democratic candidate for Representative in the General Assembly for the 40th Representative District in the 2014 General Primary Election.

14. Your Objectors state that said Nomination Papers contain petition sheets containing the names of persons as circulators of said petition sheets who circulated petition sheets who do not reside at the address stated in their circulator's affidavit as is set forth specifically in the Appendix-Recapitulation, at the space designated "CIRCULATOR DOES NOT RESIDE AT ADDRESS SHOWN" attached hereto and made a part hereof, and as set forth in the following paragraphs, all of said petition sheets being in violation of the statutes in such cases made and provided.

15. Your Objectors state that said Nomination Papers contain petition sheets containing the names of persons as circulators of said petition sheets whose stated address is incomplete as is set forth specifically in the Appendix-Recapitulation, at the space designated "CIRCULATOR'S ADDRESS INCOMPLETE" attached hereto and made a part hereof, and as

set forth in the following paragraphs, all of said petition sheets being in violation of the statutes in such cases made and provided.

16. Your Objectors state that said Nomination Papers contain petition sheets wherein the purported circulator's affidavit is not properly notarized as is set forth specifically in the Appendix-Recapitulation, at the space designated "PETITION SHEET NOT PROPERLY NOTARIZED" attached hereto and made a part hereof, and as set forth in the following paragraphs, all of said petition sheets being in violation of the statutes in such cases made and provided.

17. Your Objectors state that said Nomination Papers contain petition sheets wherein the purported circulator's affidavit is not notarized as is set forth specifically in the Appendix-Recapitulation, at the space designated "PETITION SHEET NOT NOTARIZED" attached hereto and made a part hereof, and as set forth in the following paragraphs, all of said petition sheets being in violation of the statutes in such cases made and provided. This allegation is made at least with respect to page no: 1233.

18. Your Objectors state that the Nomination Papers contain petition sheets purportedly circulated by individuals whose petition sheets demonstrate a pattern of fraud and disregard of the Election Code to such a degree that every signature on every sheet purportedly circulated by said individuals are invalid, and should be invalidated, in order to protect the integrity of the electoral process, in accordance with the principles set forth in the decisions of *Canter v. Cook County Officers Electoral Bd.*, 170 Ill.App.3d 364, 523 N.E.2d 1299 (1st Dist. 1988); *Huskey v. Municipal Officers Electoral Bd. for Village of Oak Lawn*, 156 Ill.App.3d 201, 509 N.E.2d 555 (1st Dist., 1987) and *Fortas v. Dixon*, 122 Ill.App.3d 697, 462 N.E.2d 615 (1st Dist. 1984).

19. Your Objectors state that there will be presented substantial, clear, unmistakable, and compelling evidence that establishes a “pattern of fraud and false swearing” with an “utter and contemptuous disregard for the mandatory provisions of the Election Code.” In addition, an examination of the nominating petitions hereunder will reveal a pervasive and systematic attempt to undermine the integrity of the electoral process. Consequently, your Objector states that this Electoral Board “cannot close its eyes and ears” but will be compelled to void the entire nominating petition as being illegal and void in its entirety. This allegation is made with specific reference to all of the petition sheets circulated by at least the following individuals for at least the following reasons:

- a. Jimmie Alexander, purportedly residing at 655 W. 65th Street, Chicago, IL. Jimmie Alexander is not the true circulator of the petition sheets that he purports to have circulated, has not witnessed the signatures that appear on his petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Further, Jimmie Alexander’s petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of his sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Jimmie Alexander should be stricken. Moreover, numerous signatures on Jimmie Alexander’s petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Jimmie Alexander purports to have circulated petition nos: 378, 384, 1008.
- b. Robert Armstrong, purportedly residing at 2707 N. Maplewood Avenue, Tulsa, OK. Robert Armstrong is not the true circulator of the petition sheets that he purports to have circulated, has not witnessed the signatures that appear on his petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Further, Robert Armstrong’s petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of his sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Robert Armstrong should be stricken. Moreover, numerous signatures on Robert Armstrong’s petitions appear to be not genuine, and such signatures appear to have been forged

and written in the same hand. Robert Armstrong purports to have circulated petition nos: 185, 215, 228, 318, 740.

- c. Toni Banks, purportedly residing at 1645 West LeMoyne, Chicago, IL. Toni Banks is not the true circulator of the petition sheets that she purports to have circulated, has not witnessed the signatures that appear on her petition sheets, and was not present at the time such signatures were purportedly made on her petition sheets, in violation of the Election Code. Toni Banks' petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of this circulator's sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Toni Banks should be stricken. Moreover, the signatures on numerous of Toni Banks' petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Further, the names of signers who appear on Toni Banks' petition sheets also appear on the petition sheets purportedly circulated by other of the Libertarian Party circulators. Toni Banks purports to have circulated petition page nos: 1025, 1136, 1140, 1149, 1313, 1379, 1380, 1390, 1398, 1424, 1430, 1456, 1485, 1499, 1550, 1552, 1625, 1796, 1879.
- d. Anthony Bonds, purportedly residing at 6500 S. Bishop, Chicago, IL. Anthony Bonds is not the true circulator of the petition sheets that he purports to have circulated, has not witnessed the signatures that appear on his petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Further, Anthony Bonds has not listed his true residence address on his circulator's affidavit. It is well established that a circulator must provide his or her address in order to ensure the integrity of the electoral process. *Sakonyi v. Lindsey*, 261 Ill.App.3d 821, 634 N.E.2d 444 (1st Dist. 1994). Disclosure of the circulator's address "enables the [Electoral] Board to locate her, question her about the signatures, and hold her responsible for her oath." *Sakonyi*, 261 Ill. App. 3d at 826, 634 N.E.2d at 447. By failing to provide his residence address, Anthony Bonds has failed to comply with the Election Code in such a manner that the integrity of the electoral process is impacted, and as such, each of his sheets must be invalidated. Anthony Bonds' petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of this circulator's sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Anthony Bonds should be stricken. Moreover, the signatures on numerous of Anthony Bonds' petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Further, the names of signers who appear on Anthony Bonds' petition sheets also appear on the petition sheets purportedly circulated by other of the Libertarian Party circulators. Anthony Bonds purports to have circulated petition page nos: 390, 422, 805, 810, 819, 822, 830, 839, 850, 870, 894, 911, 923, 928,

1012, 1250, 1259, 1270, 1279, 1289, 1319, 1321, 1328, 1330, 1470, 1476, 1563, 1566, 1568, 1571, 1573, 1578, 1587, 1590, 1593, 1647, 1653, 1674, 1687, 1937.

- e. Darryl Bonner, purportedly residing at 5045 Rose Avenue, Long Beach, CA 90807. Darryl Bonner is not the true circulator of the petition sheets that he purports to have circulated, has not witnessed the signatures that appear on his petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Further, Darryl Bonner has not listed his true residence address on his circulator's affidavit. It is well established that a circulator must provide his or her address in order to ensure the integrity of the electoral process. *Sakonyi v. Lindsey*, 261 Ill.App.3d 821, 634 N.E.2d 444 (1st Dist. 1994). Disclosure of the circulator's address "enables the [Electoral] Board to locate her, question her about the signatures, and hold her responsible for her oath." *Sakonyi*, 261 Ill. App. 3d at 826, 634 N.E.2d at 447. By failing to provide his residence address, Darryl Bonner has failed to comply with the Election Code in such a manner that the integrity of the electoral process is impacted, and as such, each of his sheets must be invalidated. Further, Darryl Bonner's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of his sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Darryl Bonner should be stricken. Moreover, the signatures on numerous of Darryl Bonner's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Finally, the names of signers who appear on Darryl Bonner's petition sheets also appear on the petition sheets purportedly circulated by other of the Libertarian Party circulators. Darryl Bonner purports to have circulated petition nos: 12, 16, 18, 22, 23, 29, 33, 43, 48, 51, 57, 75, 86, 92, 94, 95, 102, 103, 110, 111, 115, 116, 123, 126, 127, 139, 141, 147, 156, 157, 165, 175, 194, 211, 212, 213, 220, 224, 225, 238, 241, 259, 260, 274, 285, 295, 298, 306, 309, 311, 317, 332, 336, 349, 351, 364, 369, 404, 406, 410, 414, 419, 425, 435, 438, 442, 445, 446, 451, 456, 459, 467, 468, 471, 474, 481, 482, 494, 495, 497, 498, 509, 514, 525, 532, 540, 549, 554, 556, 559, 564, 573, 579, 585, 592, 599, 604, 627, 642, 644, 646, 648, 650, 652, 653, 656, 657, 660, 668, 671, 673, 679, 692, 695, 696, 708, 713, 716, 718, 721, 748, 752, 765, 767, 778, 779, 806, 807, 809, 825, 828, 836, 840, 842, 846, 847, 851, 853, 856, 861, 864, 865, 869, 872, 884, 886, 889, 892, 893, 895, 907, 910, 916, 919, 925, 927, 938, 942, 943, 944, 953, 957, 959, 961, 967, 971, 973, 979, 981, 991, 994, 1007, 1011, 1015, 1146, 1159, 1228, 1235, 1305, 1307, 1599, 1602, 1613, 1615, 1617, 1630, 1712, 1717, 1728, 1731, 1741, 1770, 1775, 1785, 1792, 1797, 1826, 1842, 1851, 1856, 1866, 1903, 1917, 1984, 2020, 2040, 2056, 2059, 2061, 2065, 2071, 2079, 2080, 2085, 2092, 2095, 2104, 2180, 2182, 2195, 2203, 2206, 2212, 2214, 2331, 2333, 2336, 2342.
- f. Carl Childress, purportedly residing at 2130 Houser Road, Holly, MI. Carl Childress is not the true circulator of the petition sheets that he purports to have

circulated, has not witnessed the signatures that appear on his petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Further, Carl Childress' petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of his sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Carl Childress should be stricken. Moreover, numerous signatures on Carl Childress' petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Carl Childress purports to have circulated petition nos: 2, 4, 7, 19, 26, 27, 35, 37, 44, 64, 101, 109, 114, 125, 132, 138, 149, 160, 163, 229, 230, 234, 235, 254, 263, 272, 273, 330, 396, 448, 715, 717, 932, 949, 950, 964, 976, 988, 995, 1316, 1920.

- g. Paul Clark, purportedly residing at 506 S. Sean Drive, Shorewood, IL. Paul Clark is not the true circulator of the petition sheets that he purports to have circulated, has not witnessed the signatures that appear on his petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Further, Paul Clark's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of his sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Paul Clark should be stricken. Moreover, numerous signatures on Paul Clark's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Paul Clark purports to have circulated petition nos: 1271, 1743, 1749, 1765, 1924.
- h. Yechiel Comrov, purportedly residing at 3256 N. 50th, Milwaukee, Wisconsin. Yechiel Comrov is not the true circulator of the petition sheets that he purports to have circulated, has not witnessed the signatures that appear on his petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Further, Yechiel Comrov's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of his sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Yechiel Comrov should be stricken. Moreover, numerous signatures on Yechiel Comrov's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Yechiel Comrov purports to have circulated petition nos: 2123, 2141, 2144, 2153, 2204.
- i. Menachem Comrov, purportedly residing at 3256 N. 50th, Milwaukee, Wisconsin. Menachem Comrov is not the true circulator of the petition sheets that he purports to have circulated, has not witnessed the signatures that appear on his petition

sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Further, Menachem Comrov's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of his sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Menachem Comrov should be stricken. Moreover, numerous signatures on Menachem Comrov's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Menachem Comrov purports to have circulated petition nos: 1944, 2052, 2243, 2245.

- j. Alexander Cummings, purportedly residing at 2126 W. Alice Avenue, West Peoria, IL. Alexander Cummings is not the true circulator of the petition sheets that he purports to have circulated, has not witnessed the signatures that appear on his petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Further, Alexander Cummings' petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of his sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Alexander Cummings should be stricken. Moreover, numerous signatures on Alexander Cummings' petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Alexander Cummings purports to have circulated petition nos: 300, 307, 374, 402, 426, 491, 519, 542, 575, 588, 680, 690, 699, 854, 866, 877, 935, 1220, 1346, 1953, 1957, 1963, 1967, 2024, 20333, 2036, 2038, 2044, 2057, 2072, 2078, 2084, 2094, 2100, 2107, 2113, 2137, 2139, 2146, 2174, 2176, 2181, 2185, 2188, 2192, 2201, 2207, 2215, 2218, 2222, 2224, 2228, 2237.
- k. Elisha Cusson, purportedly residing at 1612 N. Kedzie, Chicago, Illinois. Elisha Cusson has not listed her true residence address on her circulator's affidavit, but has intentionally claimed a false address on her circulator's affidavit in order to obscure her activities. It is well established that a circulator must provide his or her address in order to ensure the integrity of the electoral process. *Sakonyi v. Lindsey*, 261 Ill.App.3d 821, 634 N.E.2d 444 (1st Dist. 1994). Disclosure of the circulator's address "enables the [Electoral] Board to locate her, question her about the signatures, and hold her responsible for her oath." *Sakonyi*, 261 Ill. App. 3d at 826, 634 N.E.2d at 447. By intentionally misrepresenting her residence address, Elisha Cusson has failed to comply with the Election Code in such a manner that the integrity of the electoral process is impacted, and as such, each of her sheets must be invalidated. Moreover, certain of the signatures on Elisha Cusson's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Elisha Cusson purports to have circulated petition nos: 1927, 1930.

- l. Sarah Dart, purportedly residing at 4872 W. St. Paul, Chicago, IL. Sarah Dart is not the true circulator of the petition sheets that she purports to have circulated, has not witnessed the signatures that appear on her petition sheets, and was not present at the time such signatures were purportedly made on her petition sheets, in violation of the Election Code. Further, Sarah Dart's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of her sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Sarah Dart should be stricken. Moreover, numerous signatures on Sarah Dart's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Finally, the names of signers who appear on Sarah Dart's petition sheets also appear on the petition sheets purportedly circulated by other of the Libertarian Party circulators. Sarah Dart purports to have circulated petition nos: 155, 284, 288, 294, 296, 302, 308, 388, 415, 420, 450, 453, 466, 473, 480, 485, 490, 496, 502, 508, 518, 521, 527, 534, 544, 546, 550, 565, 608, 610, 616, 617, 619, 629, 634, 637, 639, 801, 804, 811, 826, 1005, 1006, 1050, 1065, 1070, 1073, 1077, 1081, 1086, 1092, 1163, 1167, 1179, 1184, 1199, 1232, 1246, 1247, 1249, 1251, 1255, 1257, 1264, 1268, 1281, 1287, 1290, 1322, 1327, 1337, 1341, 1354, 1357, 1362, 1388, 1392, 1426, 1435, 1447, 1448, 1460, 1462, 1467, 1469, 1471, 1473, 1477, 1479, 1482, 1492, 1502, 1513, 1565, 1575, 1577, 1583, 1588, 1592, 1596, 1606, 1610, 1620, 1634, 1638, 1646, 1654, 1662, 1667, 1678, 1680, 1693, 1704, 1709, 1711, 1713, 1716, 1726, 1730, 1734, 1742, 1744, 1758, 1759, 1764, 1777, 1782, 1788, 1790, 1798, 1805, 1806, 1808, 1811, 1813, 1815, 1816, 1818, 1819, 1821, 1822, 1823, 1824, 1825, 1830, 1835, 1837, 1838, 1841, 1843, 1844, 1848, 1850, 1853, 1854, 1855, 1863, 1865, 1867, 1876, 1883, 1885, 1890, 1891, 1893, 1895, 1897, 1898, 1900, 1902, 1904, 1906, 1908, 1910, 1912, 1914, 1915, 1916, 1918, 1919, 1921, 1923, 1925, 1926, 1929, 1931, 1932, 1933, 1935, 1936, 1938, 1940, 1945, 1949, 2058, 2077, 2083, 2110, 2125, 2134, 2152, 2165, 2167, 2193, 2194
- m. Elizabeth Durden, purportedly residing at 4049 Hampshire Ct., Indianapolis, IN. Elizabeth Durden is not the true circulator of the petition sheets that she purports to have circulated, has not witnessed the signatures that appear on her petition sheets, and was not present at the time such signatures were purportedly made on her petition sheets, in violation of the Election Code. Further, Elizabeth Durden's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of her sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Elizabeth Durden should be stricken. Moreover, numerous signatures on Elizabeth Durden's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Elizabeth Durden purports to have circulated petition nos: 333, 377, 379, 714, 2255.

- n. Derek Farr, purportedly residing at 2506 E. 98th Street, Chicago, IL. Derek Farr is not the true circulator of the petition sheets that he purports to have circulated, has not witnessed the signatures that appear on his petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Further, Derek Farr's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of his sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Derek Farr should be stricken. Moreover, the signatures on numerous of Derek Farr's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Finally, the names of signers who appear on Derek Farr's petition sheets also appear on the petition sheets purportedly circulated by other of the Libertarian Party circulators. Derek Farr purports to have circulated petition nos: 328, 347, 723, 733, 1003, 1027, 1109, 1112, 1115, 1119, 1124, 1203, 1302, 1312, 1369, 1375, 1417, 1474, 1516, 1521, 1526, 1567, 1579, 1589, 1594, 1608, 1637, 1645, 1650, 1657, 1661, 1673, 1686, 1706, 1707, 1718, 1722, 1739, 1751, 1801, 1812, 1832, 1840, 1847, 1860, 1868, 1886, 1892, 1928.
- o. Candice Foley, purportedly residing at 2235 E. 93rd Street, #2, Chicago, IL. Candice Foley is not the true circulator of the petition sheets that she purports to have circulated, has not witnessed the signatures that appear on her petition sheets, and was not present at the time such signatures were purportedly made on her petition sheets, in violation of the Election Code. Further, Candice Foley's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of her sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Candice Foley should be stricken. Moreover, the signatures on numerous of Candice Foley's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Finally, the names of signers who appear on Candice Foley's petition sheets also appear on the petition sheets purportedly circulated by other of the Libertarian Party circulators. Candice Foley purports to have circulated petition nos: 49, 60, 189, 191, 281, 684.
- p. Christina Frazier, purportedly residing at 8836 S. Indiana, Chicago, IL. Christina Frazier is not the true circulator of the petition sheets that she purports to have circulated, has not witnessed the signatures that appear on her petition sheets, and was not present at the time such signatures were purportedly made on her petition sheets, in violation of the Election Code. Further, Christina Frazier's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of her sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal*

Officers Electoral Board, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Christina Frazier should be stricken. Moreover, the signatures on numerous of Christina Frazier's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Finally, the names of signers who appear on Christina Frazier's petition sheets also appear on the petition sheets purportedly circulated by other of the Libertarian Party circulators. Christina Frazier purports to have circulated petition nos: 15, 45, 93, 119, 135, 143, 146, 153, 164, 412, 488, 523, 537, 552, 1036, 1182, 1537.

- q. Darren Heard, purportedly residing at 11418 S. Longwood Drive, Chicago, IL. Darren Heard is not the true circulator of the petition sheets that he purports to have circulated, has not witnessed the signatures that appear on his petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Further, Darren Heard's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of his sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Darren Heard should be stricken. Moreover, the signatures on numerous of Darren Heard's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Darren Heard purports to have circulated petition nos: 1026, 1047, 1060, 1063, 1072, 1096, 1101, 1110, 1125, 1131, 1180, 1196, 1271, 1314, 1351, 1440, 1442, 1451, 1455, 1495, 1505, 1510, 1525, 1533, 1538, 1710, 1768, 1839, 1861, 1871.
- r. Thomas Hill, purportedly residing at 10896 Pioneer Mill Road, Concord, North Carolina, 28025. Thomas Hill is not the true circulator of the petition sheets that he purports to have circulated, has not witnessed the signatures that appear on his petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Moreover, certain signatures on Thomas Hill's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Thomas Hill purports to have circulated petition nos: 148, 397, 1446, 1486, 1497, 1772, 2187, 2213, 2263, 2306, 2309.
- s. Lemont Jackson, purportedly residing at 3842 W. Ferdinand, Chicago, IL. Lemont Jackson is not the true circulator of the petition sheets that he purports to have circulated, has not witnessed the signatures that appear on his petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Further, Lemont Jackson's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of his sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and

every one of the petition sheets circulated by Lemont Jackson should be stricken. Moreover, the signatures on numerous of Lemont Jackson's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Lemont Jackson purports to have circulated petition nos: 1004, 1381, 1501, 1511, 1528, 1534, 1942, 1947, 1951, 1955, 1960, 1976, 1988, 1995, 2000, 2003, 2008, 2115, 2133, 2136, 2168, 2253.

- t. Olynthia Jackson, purportedly residing at 5018 F. Street, Philadelphia, PA. Olynthia Jackson is not the true circulator of the petition sheets that she purports to have circulated, has not witnessed the signatures that appear on her petition sheets, and was not present at the time such signatures were purportedly made on her petition sheets, in violation of the Election Code. Further, Olynthia Jackson's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of her sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Olynthia Jackson should be stricken. Moreover, the signatures on numerous of Olynthia Jackson's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Finally, numerous of the petition sheets themselves purportedly circulated by Olynthia Jackson are illegible, of no legal effect, and therefor do not suffice to support the formation of the Libertarian Party as a political party throughout the state of Illinois, nor to support the placement of the names of said Libertarian candidates on the General Election ballot. Olynthia Jackson purports to have circulated petition nos: 5, 10, 20, 25, 28, 38, 42, 46, 47, 55, 62, 69, 74, 78, 81, 85, 283, 292, 304, 326, 334, 348, 352, 365, 366, 418, 476, 492, 567, 600, 613, 626, 635, 667, 704, 720, 751, 800, 829, 875, 888, 891, 931, 948, 968, 978, 1013, 1784, 2256.
- u. Andrew Jacobs, purportedly residing at 525 Main Avenue E, West Fargo, ND, 58078. Andrew Jacobs is not the true circulator of the petition sheets that he purports to have circulated, has not witnessed the signatures that appear on his petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Further, Andrew Jacobs has not listed his true residence address on his circulator's affidavit, but has intentionally claimed a false, remote address on his circulator's affidavit in order to obscure his activities. It is well established that a circulator must provide his or her address in order to ensure the integrity of the electoral process. *Sakonyi v. Lindsey*, 261 Ill.App.3d 821, 634 N.E.2d 444 (1st Dist. 1994). Disclosure of the circulator's address "enables the [Electoral] Board to locate her, question her about the signatures, and hold her responsible for her oath." *Sakonyi*, 261 Ill. App. 3d at 826, 634 N.E.2d at 447. By intentionally misrepresenting his residence address, Andrew Jacobs has failed to comply with the Election Code in such a manner that the integrity of the electoral process is impacted, and as such, each of her sheets must be invalidated. Further, Andrew Jacobs' petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of his sheets nearly

every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Andrew Jacobs should be stricken. Moreover, the signatures on numerous of Andrew Jacobs' petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Andrew Jacobs purports to have circulated petition nos: 996, 998, 1051, 1067, 1083, 1104, 1165, 1181, 1198, 1201, 1209, 1212, 1213, 1222, 1227, 1243, 1265, 1335, 1342, 1345, 1352, 1356, 1367, 1374, 1384, 1389, 1394, 1397, 1400, 1405, 1410, 1422, 1431, 1432, 1439, 1457, 1461, 1508, 1518, 1522, 1524, 1532, 1535, 1543, 1551, 1558, 1633, 1642, 1649, 1660, 1669, 1671, 1691, 1696, 1714, 1725, 1779, 1783, 1786, 1793, 1817, 1836, 1845, 1852, 1862, 1864, 1888, 1901, 1905, 1922.

- v. Kelvin Jenkins, purportedly residing at 239 W. 104th Place, Chicago, IL, 60628. Kelvin Jenkins' petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of his sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Kelvin Jenkins should be stricken. Moreover, the signatures on certain of Kelvin Jenkins' petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Kelvin Jenkins purports to have circulated petition nos: 61, 507, 551, 1016, 1019.
- w. Brian Lambrecht, purportedly residing at 325 S. Harvard, Addison, IL. Brian Lambrecht is not the true circulator of the petition sheets that he purports to have circulated, has not witnessed the signatures that appear on his petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Further, Brian Lambrecht's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of his sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Brian Lambrecht should be stricken. Moreover, numerous signatures on Brian Lambrecht's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Brian Lambrecht purports to have circulated petition nos: 1, 6, 9, 90, 100, 108, 124, 131, 171, 331, 545, 615, 643, 777, 798, 808, 821, 827, 868, 912, 947, 1021, 1031, 1035, 1037, 1041, 1053, 1061, 1097, 1132, 1145, 1147, 1156, 1161, 1174, 1185, 1216, 1219, 1244, 1306, 1348, 1359, 1386, 1391, 1425, 1489, 1598, 1694, 1701, 1733, 1747, 1787, 1794, 1810, 1829, 1874, 1881, 2138, 2142, 2157, 2166.
- x. Albert Leon, purportedly residing at 9524 Avenue M, Chicago, IL. Albert Leon is not the true circulator of the petition sheets that he purports to have circulated, has not witnessed the signatures that appear on his petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets,

in violation of the Election Code. Further, Albert Leon's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of his sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Albert Leon should be stricken. Moreover, numerous of the signatures Albert Leon's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Finally, the names of signers who appear on Albert Leon's petition sheets also appear on the petition sheets purportedly circulated by other of the Libertarian Party circulators. Albert Leon purports to have circulated petition nos: 167, 183, 188, 201, 204, 216, 227, 231, 239, 249, 251, 264, 266, 297, 303, 357, 361, 376, 380, 387, 437, 461, 477, 484, 489, 601, 640, 681, 685, 688, 698, 712, 724, 734, 736, 739, 750, 754, 762, 766, 780, 974, 1066, 1085, 1120, 1195.

- y. Keyonda McSwain, purportedly residing at 6915 S. Talman, Chicago, IL. Keyonda McSwain's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of his sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Keyonda McSwain should be stricken. Moreover, numerous of the signatures Keyonda McSwain's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Finally, the names of signers who appear on Keyonda McSwain's petition sheets also appear on the petition sheets purportedly circulated by other of the Libertarian Party circulators. Keyonda McSwain purports to have circulated petition nos: 1107, 1293, 1561.
- z. Ryan Meszaros, purportedly residing at 2988 S. Archer Avenue, Apt. 2 Rear, Chicago, Illinois. Ryan Meszaros is not the true circulator of the petition sheets that he purports to have circulated, has not witnessed the signatures that appear on his petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Further, Ryan Meszaros has not listed his true residence address on his circulator's affidavit, but has intentionally claimed a false address on his circulator's affidavit in order to obscure his activities. It is well established that a circulator must provide his or her address in order to ensure the integrity of the electoral process. *Sakonyi v. Lindsey*, 261 Ill.App.3d 821, 634 N.E.2d 444 (1st Dist. 1994). Disclosure of the circulator's address "enables the [Electoral] Board to locate her, question her about the signatures, and hold her responsible for her oath." *Sakonyi*, 261 Ill. App. 3d at 826, 634 N.E.2d at 447. By intentionally misrepresenting his residence address, Ryan Meszaros has failed to comply with the Election Code in such a manner that the integrity of the electoral process is impacted, and as such, each of his sheets must be invalidated. Moreover, the signatures on certain of Ryan Meszaros' petitions appear to be not genuine, and

such signatures appear to have been forged and written in the same hand. Ryan Meszaros purports to have circulated petition nos: 1234, 1771, 1774, 1799, 1894.

- aa. Yvette Moore, purportedly residing at 851 E. 100th Street, Chicago, IL. Yvette Moore is not the true circulator of the petition sheets that she purports to have circulated, has not witnessed the signatures that appear on her petition sheets, and was not present at the time such signatures were purportedly made on her petition sheets, in violation of the Election Code. Further, Yvette Moore's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of her sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Yvette Moore should be stricken. Moreover, the signatures on numerous of Yvette Moore's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Finally, the names of signers who appear on Yvette Moore's petition sheets also appear on the petition sheets purportedly circulated by other of the Libertarian Party circulators. Yvette Moore purports to have circulated petition nos: 52, 63, 68, 70, 79, 84, 443, 676, 896, 899, 901, 905, 918, 924, 937, 945, 1038, 1042, 1078, 1087, 1106, 1135, 1139, 1148, 1151, 1154, 1188, 1205, 1210, 1223, 1238, 1294, 1296, 1303, 1310, 1315, 1338, 1343, 1408, 1419, 1429, 1436, 1441, 1450, 1454, 1465, 1488, 1496, 1498, 1559, 1600, 1607, 1609, 1621, 1623, 1692, 1702, 1737, 1746, 1748, 1753, 1757, 1761, 1767, 1778, 1789, 1795, 1814, 1828, 1831, 1878, 1884, 1889.
- bb. Frederick Roy Morse II, purportedly residing at 1011 Decker Street, Flint, MI, 48503. Frederick Roy Morse II is not the true circulator of the petition sheets that he purports to have circulated, has not witnessed the signatures that appear on his petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Moreover, the signatures on certain of Frederick Roy Morse II's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Frederick Roy Morse II purports to have circulated petition nos: 30, 178, 219, 243, 268, 277, 286, 289, 316, 436, 464, 487, 500, 506, 516, 520, 538, 548, 555, 631, 735, 760, 881, 898, 902, 920, 934, 940, 960, 970, 954, 1176, 1292, 1318, 1466, 1540, 1548, 1556, 1576, 1585, 1676.
- cc. Michael Pearson, purportedly residing at 1801 E. 71st Place, Chicago, IL, 60649. Michael Pearson is not the true circulator of the petition sheets that he purports to have circulated, has not witnessed the signatures that appear on his petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Further, Michael Pearson's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of his sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and

every one of the petition sheets circulated by Michael Pearson should be stricken. Moreover, the signatures on numerous of Michael Pearson's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Michael Pearson purports to have circulated petition nos: 1045, 1048, 1171, 1178, 1274, 1283, 1350, 1569, 1640, 1689, 1750, 1763.

- dd. Sharon Phillips, purportedly residing at 7777 Cherryhill, Ypsilanti, MI 48198. Sharon Phillips is not the true circulator of the petition sheets that she purports to have circulated, has not witnessed the signatures that appear on her petition sheets, and was not present at the time such signatures were purportedly made on her petition sheets, in violation of the Election Code. Further, Sharon Phillips' petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of his sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Sharon Phillips should be stricken. Moreover, the signatures on numerous of Sharon Phillips' petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Sharon Phillips purports to have circulated petition nos: 195, 200, 207, 214, 662, 787, 789, 793, 796, 799, 1002, 1028, 1509.
- ee. Kenneth Prazak, purportedly residing at 11N191 Capulet Circle, Elgin, IL, 60124. Kenneth Prazak is not the true circulator of the petition sheets that he purports to have circulated, has not witnessed the signatures that appear on his petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Moreover, certain of the signatures on Kenneth Prazak's petitions appear to be not genuine, and such signatures appear to have been forged, and written in the same hand. Kenneth Prazak purports to have circulated petition nos: 2257, 2258, 2261, 2265, 2266, 2268, 2270, 2272, 2276, 2278, 2281, 2283, 2284, 2286, 2287, 2290, 2292, 2295, 2298, 2301, 2303, 2304, 2307, 2308, 2310-2313, 2315, 2318, 2322, 2323, 2325, 2328, 2329, 2330, 2332, 2334, 2335, 2337, 2339, 2341, 2344, 2346, 2348.
- ff. Cynthia Redd, purportedly residing at 520 E. 47th Street, #214, Chicago, IL, 60653. Cynthia Redd is not the true circulator of the petition sheets that she purports to have circulated, has not witnessed the signatures that appear on her petition sheets, and was not present at the time such signatures were purportedly made on her petition sheets, in violation of the Election Code. Further, Cynthia Redd's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of her sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Cynthia Redd should be stricken. Moreover, the signatures on numerous of Cynthia Redd's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Cynthia Redd purports to have circulated petition nos: 32, 34, 53, 67,

96, 198, 210, 245, 399, 512, 513, 515, 587, 620, 622, 628, 675, 693, 727, 773, 759, 878.

gg. Richard Reeves, purportedly residing at 1416 S. 12th Street, Pekin, IL. Richard Reeves is not the true circulator of the petition sheets that he purports to have circulated, has not witnessed the signatures that appear on his petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Further, Richard Reeves' petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of his sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Richard Reeves should be stricken. Moreover, the signatures on numerous of Richard Reeves' petitions appear to be not genuine, and such signatures appear to have been forged, and written in the same hand. Richard Reeves purports to have circulated petition nos: 11, 24, 36, 40, 56, 89, 140, 145, 151, 159, 389, 403, 407, 409, 411, 417, 424, 429, 431, 439, 449, 463, 465, 553, 562, 566, 569, 571, 580, 581, 593, 603, 817, 824, 834, 837, 843, 848, 852, 859, 876, 883, 885, 897, 1030, 1034, 1049, 1056, 1071, 1074, 1076, 1089, 1091, 1093, 1095, 1100, 1102, 1111, 1114, 1116, 1118, 1121, 1123, 1129, 1134, 1141, 1142, 1150, 1155, 1160, 1164, 1166, 1170, 1175, 1186, 1193, 1197, 1218, 1248, 1253, 1256, 1261, 1267, 1272, 1278, 1282, 1304, 1309, 1317, 1320, 1332, 1336, 1340, 1349, 1355, 1366, 1371, 1385, 1387, 1393, 1399, 1401, 1404, 1409, 1415, 1418, 1427, 1444, 1452, 1463, 1468, 1475, 1478, 1480, 1484, 1487, 1491, 1503, 1512, 1514, 1515, 1519, 1527, 1530, 1536, 1542, 1570, 1572, 1580, 1584, 1586, 1591, 1595, 1597, 1601, 1614, 1626, 1628, 1629, 1635, 1636, 1644, 1656, 1672, 1685, 1688, 1697, 1699, 1700, 1729, 1740, 1755, 1760, 1766, 1791, 1802, 1807, 1827, 1833, 1941, 1959, 1973, 1981, 1991, 2001, 2011, 2116.

hh. Sharon Rosenblum, purportedly residing at 3831 N. Broadway, Chicago, IL. Sharon Rosenblum is not the true circulator of the petition sheets that she purports to have circulated, has not witnessed the signatures that appear on her petition sheets, and was not present at the time such signatures were purportedly made on her petition sheets, in violation of the Election Code. Further, Sharon Rosenblum's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of her sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Sharon Rosenblum should be stricken. Moreover, numerous signatures on Sharon Rosenblum's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Sharon Rosenblum purports to have circulated petition nos: 169, 180, 193, 196, 203, 206, 208, 233, 240, 244, 246, 250, 256, 261, 265, 276, 299, 319, 324, 343, 362, 398, 405, 423, 433, 441, 447, 462, 469, 547, 560, 563, 572, 597, 645, 649, 672, 678, 682, 691, 700, 711, 728, 756, 761, 774, 781, 783, 784, 788, 791, 794, 818, 833, 874, 904, 914, 926, 952, 966, 975, 1950,

1964, 1968, 1972, 1975, 1977, 1980, 1982, 1986, 1987, 1992, 1993, 1998, 1999, 2007, 2010, 2014, 2016, 2017, 2021, 2026, 2028, 2042, 2054, 2067, 2074, 2088, 2096, 2101, 2124, 2149, 2155, 2170, 2200, 2208, 2209, 2217, 2219, 2220, 2221, 2235, 2241.

- ii. Richard Salway, purportedly residing at 15707 Misty Heath Lane, Houston, TX. Richard Salway is not the true circulator of the petition sheets that he purports to have circulated, has not witnessed the signatures that appear on his petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Further, Richard Salway's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of his sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Richard Salway should be stricken. Moreover, numerous signatures on Richard Salway's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Richard Salway purports to have circulated petition nos: 91, 104, 112, 117, 128, 172, 174, 176, 182, 187, 197, 221, 236, 247, 252, 257, 262, 269, 270, 278, 279, 282, 293, 354, 367, 372, 381, 383, 416, 430, 434, 440, 444, 452, 457, 470, 501, 530, 535, 558, 577, 614, 625, 633, 722, 747, 775, 786, 802, 803, 820, 867, 977, 999, 1032, 1055, 1126, 1133, 1177, 1240, 1361.
- jj. Debra Winkelman, purportedly residing at 9645 S. Harlem, Unit #H, Chicago Ridge, IL. Debra Winkelman is not the true circulator of the petition sheets that she purports to have circulated, has not witnessed the signatures that appear on her petition sheets, and was not present at the time such signatures were purportedly made on her petition sheets, in violation of the Election Code. Further, Debra Winkelman's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of her sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Debra Winkelman should be stricken. Moreover, numerous signatures on Debra Winkelman's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Debra Winkelman purports to have circulated petition nos: 665, 909, 997, 1137, 1172, 1252, 1254, 1260, 1266, 1275, 1284, 1323, 1333, 1364, 1373, 1376, 1428, 1437, 1443, 1453, 1464, 1472, 1481, 1500, 1582, 1604, 1616, 1681, 1690, 1723, 1727, 1732, 1752, 1803, 1820, 1873, 1896, 1913.
- kk. Jacob Witmer, purportedly residing at 6402 Hampton Drive, Anchorage, AK. Jacob Witmer is not the true circulator of the petition sheets that he purports to have circulated, has not witnessed the signatures that appear on his petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Further, Jacob Witmer has not

listed his true residence address on his circulator's affidavit. Jacob Witmer resides at 1359 W. Chicago Avenue, Apt. C5, Chicago, Illinois, but has intentionally claimed a false, remote address on his circulator's affidavit in order to obscure his activities. It is well established that a circulator must provide his or her address in order to ensure the integrity of the electoral process. *Sakonyi v. Lindsey*, 261 Ill.App.3d 821, 634 N.E.2d 444 (1st Dist. 1994). Disclosure of the circulator's address "enables the [Electoral] Board to locate her, question her about the signatures, and hold her responsible for her oath." *Sakonyi*, 261 Ill. App. 3d at 826, 634 N.E.2d at 447. By intentionally misrepresenting his residence address, Jacob Witmer has failed to comply with the Election Code in such a manner that the integrity of the electoral process is impacted, and as such, each of his sheets must be invalidated. Further, Jacob Witmer's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of his sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Jacob Witmer should be stricken. Moreover, the signatures on numerous of Jacob Witmer's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Jacob Witmer purports to have circulated petition nos: 58, 87, 510, 528, 570, 574, 591, 606, 612, 636, 641, 908, 1062, 1068, 1108, 1117, 1127, 1191, 1406, 1413, 1423, 1433, 1438, 2260, 2262, 2264, 2269, 2271, 2274, 2275, 2277, 2279, 2280, 2282, 2285, 2288, 2291, 2293, 2296, 2299, 2302, 2305, 2314, 2316, 2319, 2321, 2326, 2338, 2340, 2343, 2345, 2347.

- II. Ramiro Zacarias, purportedly residing at 410 S. Avenue 57, Los Angeles, CA. Ramiro Zacarias is not the true circulator of the petition sheets that he purports to have circulated, has not witnessed the signatures that appear on his petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Further, Ramiro Zacarias' petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of his sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Ramiro Zacarias should be stricken. Moreover, the signatures on numerous of Ramiro Zacarias' petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Ramiro Zacarias purports to have circulated petition nos: 105, 314, 342, 408, 669, 729, 832, 845, 880, 939.

20. Your Objectors state that the Nomination Papers herein contested consist of various sheets supposedly containing the valid and legal signatures of 43,139 individuals. The individual signature objections cited herein with specificity reduce the number of valid

signatures to 19,348, which is below the statutory minimum of 25,000. Moreover, invalidation of the sheets submitted by the circulators listed above further reduces the number of valid signatures presented by the purported Libertarian Party as a new political party in the State of Illinois below the minimum number required by law.

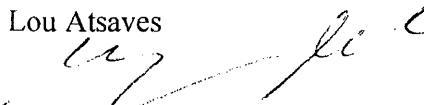
WHEREFORE, your Objectors pray that the purported new political party petition papers of the Libertarian Party and their purported candidates for statewide office in the State of Illinois: Chad Grimm for Governor; Alexander Cummings for Lieutenant Governor; Ben Koyl for Attorney General; Julie Fox for Comptroller; Christopher Michel for Secretary of State; Matthew Skopek for Treasurer; and Sharon Hansen for United States Senate be declared by this Honorable Electoral Board to be insufficient and not in compliance with the laws of the State of Illinois; that the Libertarian Party not qualify as a new political party at the 2014 General Election, that none of the aforesaid Candidates' names appear on the General Election ballot, and that each such name be stricken; and that this Honorable Electoral Board enter its decision declaring that the Libertarian Party shall not qualify as a new political party, and that the names of Chad Grimm for Governor; Alexander Cummings for Lieutenant Governor; Ben Koyl for Attorney General; Julie Fox for Comptroller; Christopher Michel for Secretary of State; Matthew Skopek for Treasurer; and Sharon Hansen for United States Senate as Candidates of the Libertarian Party for election to those said offices in the State of Illinois BE NOT PRINTED on the OFFICIAL BALLOT at the General Election to be held on November 4, 2014.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "Lou Atsaves", written over a horizontal line.

OBJECTOR

Lou Atsaves

A handwritten signature in black ink, appearing to be "Gary Gale", written over a horizontal line.

OBJECTOR

Gary Gale

VERIFICATION

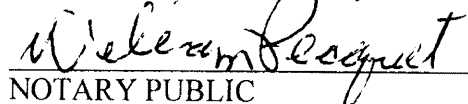
The undersigned as Objector, first being duly sworn on oath, now deposes and says that he has read this VERIFIED OBJECTORS PETITION and that the statements therein are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true and correct.



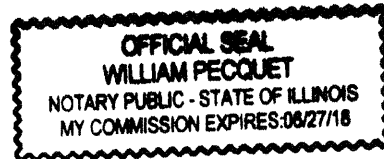
OBJECTOR
Lou Atsaves
745 E. Northmoor Road
Lake Forest, Illinois, 60045

County of Cook)
) ss.
State of Illinois)

Subscribed to and Sworn before me, a Notary Public, by Lou Atsaves, the Objector, on this the 30th day of June 2014, at Chicago, Illinois.

 (SEAL)
NOTARY PUBLIC

My Commission expires: 6-27-18



VERIFICATION

The undersigned as Objector, first being duly sworn on oath, now deposes and says that he has read this VERIFIED OBJECTORS PETITION and that the statements therein are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true and correct.

[Signature]
OBJECTOR

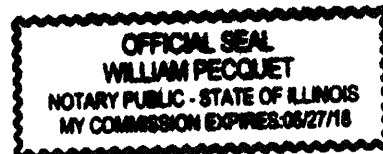
Gary Gale
481 Green Bay Road
Highland Park, Illinois 60035

County of Cook)
) ss.
State of Illinois)

Subscribed to and Sworn before me, a Notary Public, by *Gary Gale*, the
Objector, on this the 30th day of June 2014, at Chicago, Illinois.

William Pecquet (SEAL)
NOTARY PUBLIC

My Commission expires: 6-27-18



Yarbrough/Gale v. Lopez, et al
14 SOEB GE 516

Candidate: Omar Lopez/Scott Summers/Bobby Pritchett Jr/David Black/Sheldon Schafer/Tim Curtin
Julie Samuels

Office: Governor/Lt Governor/Atty General/Sec of State/Comptroller/Treasurer/US Senate

Party: Green

Objector: Karen Yarbrough

Attorney for Objector: Michael Kasper/Bret Bender

Attorney for Candidate: Andrew Finko

Number of Signatures Required: 25,000

Number of Signatures Submitted: 29,687

Number of Signatures Objected to: 12,797

Basis of Objection: The Nomination papers contain an insufficient number of valid signatures. Various objections were made against the petition signers including “Signer’s Signature Not Genuine,” “Signer Not Registered at Address Shown,” “Signer Resides Outside of the State,” “Signer Signed Petition More than Once,” and “Address is Missing or Incomplete”.

Dispositive Motions: Candidate filed a Motion to Strike and Dismiss Objector’s Petition, Objector filed a Response to the Motion to Strike and Dismiss and Candidate filed a Reply in Support of Candidate’s Motion to Strike and Dismiss. Though not a dispositive motion, the Candidate filed Objections to “Records Examination” Procedure and Motion to Stay “Records Examination”.

Binder Check Necessary: Yes

Hearing Officer: Phil Krasny

Hearing Officer Findings and Recommendation: A records examination was conducted by the State Board of Elections staff in Springfield. The exam resulted in 5,773 objections being overruled and 7,024 objections being sustained, thereby reducing the number of signatures to 22,663, which is 2,337 signatures below the statutory minimum.

Regarding the constitutional issues set forth in the Candidates’ Motion to Dismiss, case law is clear that administrative agencies have no authority to question the validity of statutes; therefore, the Hearing Officer makes no recommendations on the constitutional arguments advanced by the Green Party in any of its motions.

Regarding the Candidates’ motion alleging that the Objector failed to comply with Section 10-8’s requirement to state fully the nature of the objections, the objections filed by the Objector all pertain to the alleged insufficiency of the signature and/or address requirements of the Election Code and identify, with specificity, those signatures contained on certain sheets and line numbers that are allegedly deficient. Accordingly, since the Objector has specifically set forth the name and/or address deficiencies in the

signatures submitted by the Candidates, the Hearing Officer recommends that the Motion to Dismiss for failing to state the nature of the objections be denied.

Regarding the Candidates' argument that the State Officers Electoral Board (SOEB) is not statutorily empowered to delegate its responsibilities to perform the record examination to staff of the State Board of Elections, Section 10-9 designates the State Board of Elections as the electoral board designated for the purpose of hearing and passing upon objections to Statewide petitions. Accordingly, since the State Officers Electoral Board is a temporary entity comprised of the State Board of Elections (SBE), the staff of the SBE temporarily becomes the staff of the SOEB, permitting SBE staff to perform the SOEB records examination.

In their Motion to Dismiss, the Candidates also challenged the enacted SOEB Rules of Procedure, claiming that the Rules of Procedure contain due process and evidentiary deficiencies. While the Hearing Officer declined to make a recommendation regarding constitutional claims, including the due process issue, he noted that the records examination and Rule 9 process allow both the objector and candidates to be given notice of and be present at the records examination, be provided with the results of the examination, challenge the findings through Rule 9 motions and participate in hearings where the Hearing Officer is empowered to consider evidence submitted by both parties. Furthermore, both parties also have an opportunity to challenge the Hearing Officer's findings by filing exceptions to the recommendation and/or by appearing before the SOEB when the case is being considered. Therefore, the Hearing Officer believes that the Candidates were afforded adequate due process.

In addition, the Candidates argued that the use of the electronic voter database by SBE staff to determine the validity of signatures on nominating petitions is improper as hearsay evidence. First, the Hearing Officer noted that case law and Illinois Administrative Rules have held that the strict rules of evidence that apply in a judicial proceeding, such as those related to hearsay evidence, are not strictly followed in hearings before an administrative agency. The Hearing Officer then concluded that, because the database is connected, in real time, to the statewide election authorities who are responsible for maintaining and updating voter records, the database appears to have a level of integrity and trustworthiness to allow SBE staff to make an informed initial determination as to whether a certain voter's signature is valid. Further, once the initial determination has been made at the records examination level, both parties have an opportunity to present evidence at a hearing to challenge that determination.

Finally, although the Candidates alleged that the SOEB violated the Open Meetings Act in their Rule 9 Motion and at ensuing hearings, no written or oral evidence was presented supporting the allegations of a violation; therefore, the Hearing Officer makes no recommendation on the matter.

Because the Candidate petition did not contain at least 25,000 valid signatures, and because the candidate was not denied due process as discussed above, the Hearing Officer recommends that the objection be sustained, and that the Green Party and its candidates not appear on the 2014 General Election ballot.

Recommendation of the General Counsel: I concur with the recommendation of the Hearing Officer.

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO
NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO OFFICE IN THE STATE
OF ILLINOIS

KAREN YARBROUGH,)

Petitioner/Objector,)

Vs.)

SCOTT SUMMERS, BOBBY L.)

PRITCHETT, OMAR LOPEZ,)

SHELDON SCHAFER, DAVID)

BLACK, JULIE SAMUELS, and)

TIM CURTIN,)

Respondents/Candidates.)

No. 2014-S0EB GE 516

RECOMMENDATIONS

INTRODUCTION

The Green Party (also referred to herein as “the Candidates”) seeks to have a slate of candidates placed on the ballot for the November 4, 2014 General Election. To appear on the ballot, The Green Party needs to submit nominating petitions containing a minimum of 25,000 qualified voters (10 ILCS 5/10-2).

PROCEDURAL HISTORY

On June 23, 2014, The Green Party filed its nomination papers, which included nomination petitions containing over 29,687 signatures.

On June 30, 2014, the Objector filed her petition objecting to 12,797 of those signatures.

On July 7, 2014, the Electoral Board appointed Philip Krasny as the hearing examiner to conduct a hearing on the objections to the nominating petitions and present recommendations to the Electoral Board.

An initial case management conference was held on July 7, 2014 and was attended by the Candidates' representative, Andrew Finko and Vito Amastrangleo. The Objector was represented by Michael Kasper and Bret Bender.

At the case management conference, the parties were given time to file motions and requests for issuance of subpoenas.

The Candidates thereafter filed a Motion to Strike and Dismiss the Objector's petition. The Objector filed a Response and the Candidates filed a Reply.

The Candidates also filed a Motion for the Issuance of Subpoenas as well as a motion which requested, inter alia, that the record examination occur in Chicago, rather than Springfield.

A records examination was conducted by the State Board of Election staff in Springfield on July 24, July 25, July 28 and July 29, 2014. The exam resulted in 5,773 objections being overruled and 7,024 objections being sustained, thereby reducing the number of signatures to 22,663, 2,337 below the statutory minimum.

The Candidates timely filed a document entitled "Candidate's Rule 9 Motion & Objections to 'Record Examination'".

On August 5, 2014, a hearing was commenced at the State Board of Elections' office in Chicago. The Candidates were represented by Andrew Finko. The Objector was represented by Michael Kasper and John Donavan.

Oral argument was taken on the Motion to Dismiss, as well as other issues raised in "Candidate's Rule 9 Motion & Objections to 'Record Examination'". During oral argument, it

was determined that Mr. Finko had not received tally sheets which set forth which particular objections were sustained or overruled during the record examination. Accordingly, he did not know, with specificity, which signatures needed to rehabilitate¹.

Following a short adjournment, it was determined that Mr. Finko had been sent 1) a printed excel spread sheet which showed a page by page summary of the objections made and whether the objection was overruled or sustained and 2) a handwritten "tally sheet" showing which individual objections on which page were sustained ("S") or overruled ("O") at the time of the examination. However, because the "S" and "O" notations were written in red ink, they did not transmit properly. Based upon the miscommunication, the hearing was adjourned to August 12, 2014 in order to allow the Candidates to obtain the appropriate tally sheets.

Subsequent to the adjournment, the Objector filed a motion seeking to have the Candidates comply with Rule 9 and provide any and all evidence refuting the findings made at the records examination no later than 5:00 pm Friday August 8, 2014. The Candidate filed an objection to the motion. The Objector's motion was granted, however, the Candidates were allowed until August 11, 2014 at 5:00 pm to file Rule 9 evidence.

The Candidates timely filed a document entitled "Candidate's Renewed Rule 9 Motion & Objections to 'Record Examination'".

On August 12, 2014, the hearing was resumed at the State Board of Elections' office in Chicago. At the hearing the Candidates were represented by Andrew Finko and assisted by Chris Kruger. The Objector was represented by Michael Kasper and John Donovan.

¹ Rule 9 of the Rules of Procedure provide that

"Staff shall note their findings as to each objection on copies of the objected to petition sheets, indicating a sustained objection with the letter "s" and an overruled objection with the letter "O". Following the records examination, copies of the sheets containing the staff rulings shall be proofread for accuracy by Board staff and the rulings thereon shall be used to create a line by line computer generated printout of the results of the records examination. The said printout shall then be sent via e-mail or facsimile to the parties or their counsel"

At the hearing Mr. Finko acknowledged that he had received the appropriate tally sheets which specified which objections had been sustained or overruled by the State Board of Elections staff. Oral argument was taken on the issues raised in "Candidate's Renewed Rule 9 Motion & Objections to 'Record Examination'". No evidence was presented at the hearing. The proceedings were then adjourned.

ANALYSIS

MOTIONS

The Candidates' motions are interrelated and raise both constitutional and procedural issues. As regards the constitutional argument set forth in the Motion to Dismiss, the Green Party alleges restricted improper access to being placed on the ballot in that:

"binder check process are not requirements under the Illinois Constitution, and impose excessive and unnecessary barriers to new political parties, in violation of the constitutional rights of Candidates, and in violation of the constitutional rights of almost 30,000 voters who organized as the Green Party and nominated Candidates."

In presenting its constitutional argument, The Green Party further alleges that

"Combined, the various provisions of the Election Code, impose unconstitutional burdens upon election for Constitutional office and the formation of a new political party. Specifically burdensome, and not necessary for the orderly administration of elections, are the combined requirements of (a) submitting a full slate petition, (b) containing 25,000 signatures (c) gathered within 90 days, (d) with circulator affidavits for each sheet being notarized, and (e) under the ever-present threats of a Section 10-8 objection. Overshadowing the signature gathering process is bi-partisan decennial redistricting, which zeroes out and resets all new party growth, thereby imposing further burdens upon new parties, dramatically restricting new party formation in Illinois, as history confirms. Such an election scheme imposes excessive and unconstitutional burdens upon new political parties, with no legitimate need for such draconian burdens, in violation of the Candidates' first and fourteenth amendment rights to organize as a new political party.

As regards the aforementioned constitutional argument, as well as other constitutional arguments raised throughout the proceedings, the case law is abundantly clear that administrative agencies have no authority to declare statutes unconstitutional or even to question their validity.

Goodman v Ward, 241 Ill 2d 398, 411 (2011). Accordingly, your hearing examiner makes no recommendations on the constitutional arguments advanced by the Green Party in any of its motions.

However, unlike constitutional arguments, the Electoral Board has authority to rule on procedural matters. (The Electoral Board's authority must either "arise from the express language of the statute" or "devolve by fair implication and intendment from the express provisions of the [statute] as an incident to achieving the objectives for which the [agency] was created." *Vuagnizux*, 208 Ill. 2d at 188, quoting *Schalz*, 113 Ill. 2d at 202-03.) Accordingly, the Board does have the ability to rule on the Candidates' motion alleging that the Objector failed to comply with 10 ILCS 5/10-8, which required that the Objector "state fully the nature of the objections"

Specifically, the Candidates claim that:

Objector has failed to sufficiently state the nature of her objection, in that Objector has failed to assert any allegations regarding the dates on which the signatures were affixed to Candidates' petition sheets, the dates on which the Objector reviewed such petition sheets, and the basis upon Objector believes, that the respective voters were not registered voters on the date on which each affixed his/her name in support of Candidates' nomination.

In determining whether the Objector's petition satisfies 10 ILCS 5/10-8, one must initially determine what constitutes a "qualified voter" under 10 ILCS 5/10-2 and then determine what information the qualified voter has to provide on the nominating petition.

10 ILCS 5/3-1.2 is entitled, "Eligibility to sign Petition" and states, in pertinent part, as follows:

For the purpose of determining eligibility to sign a nominating petition or ...the terms "voter", "registered voter", "qualified voter", "legal voter", "elector", "qualified elector", "primary elector" and "qualified primary elector" as used in this Code or in another Statute shall mean a person who is registered to vote at the

address shown opposite his signature on the petition or was registered to vote at such address when he signed the petition.

10 ILCS 5/10-4 requires that at the time the "qualified voter" signs the petition, he/she provide the following information:

Such petition shall be signed by the qualified voters in their own proper persons only, and opposite the signature of each signer his residence address shall be written or printed. The residence address required to be written or printed opposite each qualified primary elector's name shall include the street address or rural route number of the signer, as the case may be, as well as the signer's county, and city, village or town, and state. However, the county or city, village or town, and state of residence of such electors may be printed on the petition forms where all of the such electors signing the petition reside in the same county or city, village or town, and state. Standard abbreviations may be used in writing the residence address, including street number, if any. *No signature shall be valid or be counted in considering the validity or sufficiency of such petition unless the requirements of this Section are complied with.* (emphasis added)

"[T]he intent of the signature and address requirements is to guarantee that petitioners are supported by the required number of voters in a given area." *Ambrose*, 274 Ill. App. 3d at 684 (citing *Greene v. Board of Election Commissioners*, 112 Ill. App. 3d 862 (1983)). Thus, in reading the aforementioned statutes together, it is apparent that at the time a person signed the nominating petition for the Green Party, he/she must have been a registered voter at the address shown opposite his/her signature.

An examination of the objections filed by the Objector in this case all pertain to the alleged insufficiency of the signature and/or address requirements and identify, with specificity, the following:

- (a) signers "are not registered voters, or *** are not registered voters at the addresses shown opposite their respective names" (Objection, par. 5).
- (b) signers "did not sign the papers in their own proper persons" and "such signatures are not genuine and are forgeries". (Objection, par. 6).

- (c) signers' addresses "are not within the State of Illinois" and the signers "are not registered voters in the State of Illinois". (Objection, par. 7).
- (d) signers' addresses "are either missing entirely or are incomplete."

Accordingly, since the Objector has specifically set forth the name and/or address deficiencies in the signatures submitted by the Candidates, it is your hearing examiner's recommendation that the motion to dismiss for failing to fully state the nature of the objections be denied.

Relying on the premise that the Electoral Board's authority must either arise from the express language of the statute or devolve by fair implication and intent from the express provisions of the statutes, the Candidates posit that the Electoral Board is not statutorily empowered to delegate its responsibilities to perform the record examination to staff of the State Board of Elections.

Whether the Electoral Board can have the staff from the State Board of Elections perform a record examination seems to be addressed in 10 ILCS 5/10-9 which provides that:

The following electoral boards are designated for the purpose of hearing and passing upon the objector's petition described in Section 10-8.

1. The State Board of Elections will hear and pass upon objections to the nominations of candidates for State offices...

Accordingly, since the Electoral Board is a temporary entity comprised of the State Board of Elections, it would appear that, when transformed into the Electoral Board, the staff of the State Board of Election becomes the staff of the Electoral Board and would be permitted to perform the records examination. To interpret the statute in any other way would lead to the absurd conclusion that the Electoral Board would need to hire its own staff to perform the record examination and other related functions. ("[A] court construing the language of a statute will assume that the legislature did not intend to produce an absurd or unjust result" (*State Farm Fire & Casualty Co. v. Yapejian*, 152 Ill. 2d 533, 541 (1992)), and will avoid a construction leading to

an absurd result, if possible (*City of East St. Louis v. Union Electric Co.*, 37 Ill. 2d 537,542 (1967)). Clearly, in these times of budget constraints and economic uncertainty, the legislature would never have restricted the Electoral Board from using State Board of Elections staff to perform the requisite records examination.

Besides challenging the sufficiency of the objections, the Candidates challenge whether the enacted procedures are adequate to assure that signatures are not arbitrarily rejected. As noted above, the "the intent of the signature and address requirements is to guarantee that petitioners are supported by the required number of voters in a given area." *Ambrose*, 274 Ill. App. 3d at 684 (citing *Greene v. Bd of Election Commissioners*, 112 Ill. App. 3d 862 (1983)). To meet that goal, the Electoral Board has, pursuant to 10 ILCS 5/10-10, implemented a series of Rules of Procedures establishing a vertically integrated process which allows both Candidates and Objectors the opportunity to challenge the validity or invalidity of any signature on a nominating petition.

For example, once a candidate submits his/her nominating petitions, an objector has the right to challenge whether an individual signing the petition was a "qualified voter". Once a signature is challenged, staff from the State Board of Elections review the objection and make a preliminary determination of whether the objection should be "sustained" or "overruled". Prior to conducting the preliminary review, both the candidate and objector are advised of where and when the review will be done. Additionally, the candidate and/or objector (or their representatives) can be present when the "records examination" or "binder check" is performed.

Once the record examination is completed, both the candidate and objector are provided with the tally. Either party can then challenge the findings of the State Board of Elections at a hearing where a hearing examiner is empowered by the State Officers Electoral Board to, inter

alia, consider competent and relevant evidence, including, but not limited to, documentary evidence, affidavits and oral testimony.

Following the hearing, the hearing examiner submits a written report to the Electoral Board containing findings and recommendations. A candidate and/or objector can appear before the Board and challenge any of the findings made by the hearing examiner.

While your hearing examiner is not making any recommendations regarding constitutional claims made by Candidates, it should be noted that the concept of procedural due process is "a flexible concept and requires only such procedural protections as fundamental principles of justice and the particular situation demand." *Abrahamson v. Illinois Department of Professional Regulation*, 153 Ill. 2d 76, 92 (1992). Thus, in administrative matters, due process is satisfied when the party concerned has the "opportunity to be heard in an orderly proceeding which is adapted to the nature and circumstances of the dispute." *Obasi v. Department of Professional Regulation*, 266 Ill. App. 3d 693, 702 (1994). A fair hearing includes the right to be heard, the right to cross-examine adverse witnesses, and impartiality in ruling on the evidence. *Abrahamson*, 153 Ill. 2d at 95. Accordingly, the process due in an administrative setting does not necessarily require a proceeding akin to a judicial proceeding. Indeed, not all judicial procedures are appropriate in administrative proceedings. *Stratton v. Wenona Community Unit District No. 1*, 133 Ill. 2d 413, 433 (1990); *Desai v. Metropolitan Sanitary District of Greater Chicago*, 125 Ill. App. 3d 1031, 1033 (1984).

In addition to challenging the overall efficacy of the procedures, the Candidates specifically argue that hearsay evidence, such as the State Board of Elections use of a database to determine the validity of signatures on nominating petitions, is improper.

While "generally, procedural due process protections preclude hearsay evidence in an administrative proceeding." *Chamberlain v. Civil Service Comm'n of the Village of Gurnee*, 2014 IL App (2d) 121251, the strict rules of evidence that apply in a judicial proceeding are not applicable to proceedings before an administrative agency. *MJ Ontario, Inc. v. Daley*, 371 Ill. App. 3d 140, 149 (2007); *Ivy v. Illinois State Police*, 263 Ill. App. 3d 12, 19 (1994); see also 23 Ill. Adm. Code 51.60(d)(2), amended at 29 Ill. Reg. 10108 (eff. June 30, 2005) ("The hearing officer shall be the judge of the relevancy and materiality of the evidence offered and strict conformity to legal rules of evidence shall not be necessary."). To that end, the Rules and Procedures enacted by the Electoral Board allow the hearing examiner to, inter alia, "Consider such *competent* and relevant evidence as may be submitted, including, but not limited to, documentary evidence, affidavits and oral testimony". (See Rule 4 (i)).

In the instant case, although the record examination is based upon a comparison of the challenged signature against a database maintained by the State Board of Elections, the database appears to have the requisite threshold integrity and trustworthiness to allow the State Board of Elections staff to make an informed initial determination of the validity of a voter's signature; for, as noted in the attached exhibits, the database is connected, in real time, to statewide election authorities who are responsible for maintaining and updating the voting records²

Further, the Electoral Board procedures do not make State Board of Elections' determination final. Rather, any party can rehabilitate a challenged signature before a hearing examiner. Evidence at the hearing can include the introduction certified copies of voting records

² Attached to Candidates' motion is a July 3, 2014, FOIA request to the State Board of Elections requesting the underlying documentation used by the State Board of Elections regarding the materials and procedures relied on by the State Board of Elections for determining voter information. A July 10, 2014 e-mail response from the State Board of Elections indicates that voter information is in a database which is connected, in real time, to the election authorities who are responsible for maintaining the records.

from the appropriate local authority showing the status of the individual signatory to the petition. Again, it is the integrity of the entire procedure which must be evaluated in order to determine whether there is sufficient competent evidence to support an administrative decision. ("Where there is sufficient competent evidence to support an administrative decision, the improper admission of hearsay testimony in the administrative proceeding is not prejudicial error."

Abrahamson)

In *Greene v. Bd of Election Commissioners*, 112 Ill. App. 3d 862 (1983), the court was asked to consider the adequacy of the procedures implemented by the Chicago Board of Elections Commission which resulted in the nominating petitions of an aldermanic candidate being stricken. In *Greene* the court noted as follows:

...the findings of an administrative agency are deemed to be prima facie true and there need only be some competent evidence in the record sufficient to support the agency's findings. (*Williams v. Butler* (1976), 35 Ill. App.3d 532, 538; *Sangamo Construction Co. v. Pollution Control Board* (1975), 27 Ill. App.3d 949, 328 N.E.2d 571.) We have reviewed the record and find that there is indeed competent evidence to support the Board's decision. Contrary to petitioner's argument, the record shows that the Board's voter registration records were checked beginning with September 1982, the month petitioner began circulating his nominating petitions, and not just for the days of the Board hearings, January 13 through 24. In fact, a Board employee testified that the file maintenance report beginning September 1, 1982, would reflect entries made during the last one or two days of August 1982. We are further convinced that all of the Board's voter registration data were made available to petitioner. This data included a binder check, master files, suspense files and computer printouts (file maintenance reports). This report would show a change of address both within the same ward as well as a change that was not within the ward. There was also testimony that even the trays of records that had been alphabetized and were about to be processed were checked at petitioner's request. In addition, the Board's handwriting expert

was available to compare signatures that were questioned. As a result of this exhaustive review of the Board's records, petitioner still lacked the minimum number of valid signatures he needed to be placed on the ballot. *Although petitioner unrelentingly argued that the Board's method of ascertaining a voter's eligibility to sign a nominating petition was defective, he failed to show that the objections that were sustained by the Board were improper.* We therefore agree with the trial court that the decision of the Board was not against the manifest weight of the evidence. All of this assures a fair and just review by fulfilling the fundamental demands of procedural due process. *Reichert v. Court of Claims*, 203 Ill. 2d 257, 261 (2003) (emphasis added)

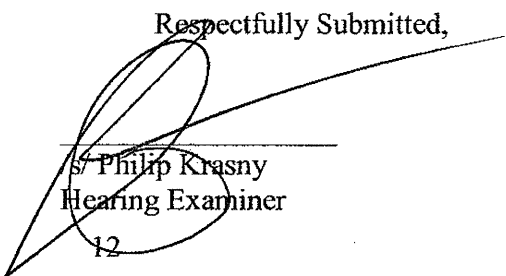
Although not identical to the procedures in *Green*, the procedures enacted by the Electoral Board are intended to assure that any ultimate finding by the Board is not arbitrary or capricious, but, rather, is based upon competent and trustworthy evidence.

Finally, although the violation of the Open Meeting Act (5 ILCS 120/1 et.seq.) was raised by the Candidates in Rule 9 materials, and argued at the hearings, no written or oral evidence was presented supporting the allegations set forth in the motion.

RECOMMENDATIONS

- 1) That the Candidates' Motion to Dismiss, based upon the Objector's failure to "state fully the nature of the objections" be denied;
- 2) That, based upon the results of the record examination, the Green Party has failed to submit nominating petitions containing a minimum of 25,000 qualified voters required under 10 ILCS 5/10-2.
- 3) That the Green Party slate of candidates not appear on the November 4, 2014 General Election.

Respectfully Submitted,


s/ Philip Krasny
Hearing Examiner

dated

8/15/14

Illinois State Board of Elections
BHarrington@elections.il.gov

From: Andrew Finko PC [mailto:finkolaw@fastmail.fm]
Sent: Thursday, July 03, 2014 2:07 PM
To: Harrington, Bernadette
Subject: FOIA request

Hello Bernadette,

I would like to request the following documents, to the extent that they are in the possession of the Illinois State Board of Elections ("ISBE"), that are in effect during the year 2014. I believe some of this information will be maintained by the ISBE's IT department.

- (a) documents that contain the procedures used by the ISBE for obtaining registered/inactive/canceled voter history, voter signature clips, voter registration cards, and other voter-related information from the various election authorities in the State;
- (b) documents that identify the quality control procedures used by the ISBE to manage and maintain the ISBE's voter registration database
- (c) documents that identify the ISBE's procedure and policy for creating and maintaining logs to track the changes that are made to the ISBE's voter registration database
- (d) documents that identify the date, quantity, identity, and merging of voter registration information that has been added to the ISBE voter registration database during the time period April 1, 2014 to present.

Electronic/PDF data would be preferable, and I'll agree to pay any costs up to \$100, and let me know if there's a greater cost.

Thank you.

Andy Finko

Andrew Finko P.C.
79 W. Monroe Street
Suite 1213
Chicago, IL 60603
Tel (773) 480-0616
Fax (773) 453-3266
FinkoLaw@fastmail.FM

RE: FOIA request

From: Harrington, Bernadette <BHarrington@elections.il.gov>
To: Andrew Finko PC <finkolaw@fastmail.fm>
Subject: RE: FOIA request
Date: Thursday, July 10, 2014 12:07 PM
Size: 18 KB

Andy,

I've forwarded your request to Kyle Thomas, the Board's Director of Voting and Registration Systems, who has informed me that the State Board of Elections does not have any documents directly related to the type of voter information that you request.

Regarding items a and b, data related to voter registrations, including registrations, cancellations, changes to registration status, signature clips, and voter history, is entered by the individual Election Authorities across the State and uploaded to IVRS through its connections with the jurisdictions' local databases. The Elections Authorities accept and process the actual voter registrations, cancellations, and changes; therefore, the documents related to those registrations such as applications, affidavits, voter cards, etc. are maintained by the Election Authorities. The State Board of Elections has documentation provided by Catalyst that has technical details as to how the Election Authorities' database connects with IVRS but the Board itself does not obtain any voter information other than what is directly entered by the Election Authorities and stored within IVRS.

Regarding item c, the Election Authorities make changes at the jurisdictional level that are then uploaded to IVRS. The only logs the State Board of Elections has are database logs created by the servers; however, these logs merely track that the database itself has been changed and do not track the changes to actual voter registration information contained within IVRS.

Regarding item d, the State Board of Elections does not maintain documents that track changes within IVRS (such as date, quantity, identity, and merging of voter registration information) because the voter registration database is a fluid environment updated in real-time and by batch as the Election Authorities make changes at the jurisdictional level. The Election Authorities maintain the type of information that you are requesting as they are responsible for the changes made within IVRS.

As mentioned earlier, the Board can provide you with documentation from Catalyst explaining the technical aspects of IVRS but documentation related to the voter data contained within IVRS is maintained by the EAS as they are responsible for the information entered and uploaded to IVRS.

If you would like to discuss anything further, please contact Kyle Thomas by telephone at (217) 782-1590 or by email at kthomas@elections.il.gov.

Sincerely,
Bernadette M. Harrington
Legal Counsel/FOIA Officer

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO NOMINATION
PAPERS OF CANDIDATES FOR ELECTION TO OFFICE IN THE STATE OF ILLINOIS

KAREN YARBROUGH,)	
)	
Petitioner/Objector,)	
)	
v.	)	No. 2014-SOEB GE 516
)	
SCOTT SUMMERS, BOBBY L. PRITCHETT,)	
OMAR LOPEZ, SHELDON SCHAFER,)	
DAVID BLACK, JULIE SAMUELS, and)	
TIM CURTIN,)	
)	
Respondents/Candidates.)	

MOTION TO STRIKE AND DISMISS OBJECTOR'S PETITION

Now come the Green Party Candidates for Statewide Office, Scott Summers for Governor, Bobby L. Pritchett for Attorney General, Omar Lopez for United States Senate, Sheldon Schafer for Secretary of State, David Black for Attorney General, Julie Samuels for Treasurer, and Tim Curtin for Comptroller (hereinafter "Candidates"), and file their motion to strike and dismiss the petition of the Objector, Karen Yarbrough (hereinafter "Objector"), as follows.

INTRODUCTION

Objector has failed to sufficiently state the nature of her objection, in that Objector has failed to assert any allegations regarding the dates on which the signatures were affixed to Candidates' petition sheets, the dates on which the Objector reviewed such petition sheets, and the basis upon Objector believes, that the respective voters were not registered voters on the date on which each affixed his/her name in support of Candidates' nomination. Objector is unable to meet her burden of proof, as a matter of law.

Furthermore, Objector's assertions regarding a binder check process are not requirements under the Illinois Constitution, and impose excessive and unnecessary barriers to new political parties, in violation of the constitutional rights of Candidates, and in violation of the constitutional rights of almost 30,000 voters who organized as the Green Party and nominated Candidates.

Combined, the various provisions of the Election Code, impose unconstitutional burdens upon election for Constitutional office and the formation of a new political party. Specifically burdensome, and not

necessary for the orderly administration of elections, are the combined requirements of (a) submitting a full slate petition, (b) containing 25,000 signatures (c) gathered within 90 days, (d) with circulator affidavits for each sheet being notarized, and (e) under the ever-present threats of a Section 10-8 objection. Overshadowing the signature gathering process is bi-partisan decennial redistricting, which zeroes out and resets all new party growth, thereby imposing further burdens upon new parties, dramatically restricting new party formation in Illinois, as history confirms. Such an election scheme imposes excessive, and unconstitutional burdens upon new political parties, with no legitimate need for such draconian burdens, in violation of the Candidates' first and fourteenth amendment rights to organize as a new political party.

Indeed, voters now, more than at any time in the past half century, want more choices, not fewer on their ballot. For example, at the recent primary election, only 18% of the voters participated and selected a Democratic or Republican Party primary ballot¹, confirming the trend among the voters, away from a bi-partisan government.

PROCEDURAL HISTORY

On June 23, 2014, the Candidates filed their nomination papers for statewide offices for the 2014 Illinois General Election ballot. The Nominating Petition sheets included 29,707 signatures, well above the minimum of 25,000 called for by the Election Code, 10 ILCS 5/10-2. On June 30, 2014, the Objector filed her objection, making the following allegations with respect to the signers of the Candidates' Nomination Petition:

- (a) Some of the signers "are not registered voters, or *** are not registered voters at the addresses shown opposite their respective names" (Objection, par. 5).
- (b) Some of the signers "did not sign the papers in their own proper persons" and "such signatures are not genuine and are forgeries". (Objection, par. 6).
- (c) Some of the signers' addresses "are not within the State of Illinois" and the signers "are not registered voters in the State of Illinois". (Objection, par. 7).
- (d) Some of the signers' addresses "are either missing entirely or are incomplete." (Objection,

1 MINUTES OF ISBE MEETING OF 4/8/14 - "Executive Director Borgsmiller presented the canvass of the official results from the March 18, 2014 General Primary Election. He noted that 18.09% of voters participated in the election which was the lowest voter turnout for a primary election since 1960."

par. 8).

- (e) Some of the signers “signed the Nomination Papers more than one time”. (Objection, par. 9).

Based on these alleged defects, the Objector summarily concludes that the Candidates’ Nominating Petition contain fewer than the minimum 25,000 signatures. No allegations of fraud, or impropriety have been alleged. Objector also has not challenged the statements of candidacy of any Candidates, or their other qualifications to hold the elected offices for which they were nominated.

ARGUMENT

A. Candidates satisfied all Constitutional and Election Code requirements for elected office.

The Illinois Constitution creates Illinois Constitutional offices at Art. V, Sec. 1, and defines the eligibility requirements for such offices at Art. V, Sec. 3, as follows:

SECTION 3. ELIGIBILITY

To be eligible to hold the office of Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller or Treasurer, a person must be a United States citizen, at least 25 years old, and a resident of this State for the three years preceding his election.

(Source: Illinois Constitution.)

Additional requirements, or restrictions such as term limits, upon the offices of Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller and Treasurer, are unconstitutional.

Candidate, Lopez, is seeking nomination as the Green Party's candidate for U.S. Senator, which is defined in the U.S. Constitution, at Art. I, Sec. 3.

Section 10-2 of the Election Code imposes upon new political parties legislatively created additional requirements, including a full slate and 25,000 signatures, gathered within 90 days, and each sheet being sworn to by a circulator before a notary public.

Eligibility to sign a petition is defined by statute, 10 ILCS 5/3-1.2, as follows:

Sec. 3-1.2. Eligibility to sign petition. For the purpose of determining eligibility to sign a nominating petition or a petition proposing a public question the terms "voter", "registered voter", "qualified voter", "legal voter", "elector", "qualified elector", "primary elector" and "qualified primary elector" as used in this Code or in another Statute shall mean a person who is registered to vote at the address shown opposite his signature on the petition or was registered to vote at such address when he signed the petition. Any person, otherwise qualified under this Section, who has not moved to another residence but whose address has changed as a result of implementation of a 9-1-1 emergency telephone system shall be considered a "voter", "registered voter", "qualified voter", "legal voter", "elector", "qualified

elector", "primary elector", and "qualified primary elector".

The intent of the legislature in imposing these many requirements, in addition the Constitutional eligibility requirements, was to prevent overcrowding of the ballot, achieved through a demonstration by candidates of a measurable quantum of support. See, e.g., *Libertarian Part v. Renour*, 108 F.3d 768 (7th Cir. 1997).

Candidates submitted almost 30,000 signatures on petition sheets that were verified by circulator affidavits, sworn to under oath before notaries public. With a longer period of time to gather signatures, or a relaxed circulator affidavit requirement (i.e., removal of notarization requirement), or fair and impartial redistricting, or equivalent requirements being imposed upon Objectors filing Section 10-8 objections (I.e., parallel to circulator requirements), the Candidates could have submitted far more signatures. Nonetheless, all Constitutional and Election Code requirements have been satisfied by Candidates. Clearly, and unequivocally, Candidates have demonstrated a measurable quantum of support.

Furthermore, the Election Code does not define, or require a "binder check" or any such line-by-line review of petition sheets, but does provide only that an election authority shall certify candidates where the nomination papers substantially comply with the requirements of the Election Code. Candidates have substantially complied with all requirements to be certified to the ballot.

B. Objector's Petition Fails to Comply with Section 10-8.

Section 10-8 requires an objector to fully state the nature of her objection. 10 ILCS 5/10-8. Objector undoubtedly did not review petition sheets², and it is unclear from objector's Petition as the dates on which the Appendix-Recapitulation sheets were prepared, or if the voter database used coincided with the dates on which the voters affixed their signatures. Furthermore, the sheets of the Appendix-Recapitulation are not sworn to under oath, by the person(s) who reviewed the petition sheets and made such allegation.

(1) Objector's Petition Does Not "Fully State the Nature" of the Objection.

² Objector is an elected official - the Recorder of Deeds in Cook County - and has publicly supported Pat Quinn, a fellow Democrat who is seeking election in November. Apparently, Ms. Yarbrough had a lot of time on her hands, despite, full-time employment as Recorder. Presumably, Ms. Yarbrough was fulfilling her duties as Recorder, and was not reviewing petition sheets, or undertaking other political action, while on the public payroll. As such, she would have no personal knowledge of the objector's petition, or its preparation, and gave a false affidavit when she affirmed the content of the objector's petition.

Paragraph 5 of the Objector's petition does not state a proper objection for at least two reasons: (A) the allegation that signers “are not registered voters, or *** are not registered voters at the addresses shown opposite their respective names” does not “fully” state an objection under the Election Code, and (B) even in its most reasonable interpretation, the allegation does not contest the validity of the signatures and addresses at the relevant time—the time the voter signed the Nominating Petition, but instead only alleges some unspecified defect at the time the Objection was filed.

Section 10-8 of the Election Code requires that any Objection “shall state fully the nature of the objections to the *** petitions in question.” 10 ILCS 5/10-8. Yet in paragraph 5 of the Objection, the Objector makes the cursory allegation that the Petition signatory either is not a registered voter or is not a registered voter at the address shown. Neither the text of the Objection nor the line-by-line sheets in the Appendix fully state the alleged defect of which the Objector complains. Is it because the voter died after signing the petition sheet? Is it because the voter was not registered as a voter at the time the line was signed, according to the voter registration records checked by the Objector? Is it because the voter was registered at the address listed but moved to another location by the time the objection was filed, and the voter registration records show only the new address? Is it because the signer married after signing the petition but the new, married name is not recorded in the voter registration records that the Objector relied upon? This is a non-exhaustive list of unanswered question, and lapses, in the Objector's petition, which would be necessary to fully state the nature of the objection.

Without more detail, the statement of objection in paragraph 5 on its face is based on mere speculation and conjecture (see also, below), and the Candidates and the Board are left with insufficient notice of the specific defects alleged to exist.

In light of the foregoing, paragraph 5 of the Objection must be stricken. In addition, the Objection proceedings must be dismissed, because the paragraph 5 (column a) objections make up the vast majority of the Objector's line-by-line objections, and the remaining line-by-line objections, even if all sustained, would not bring the Candidates' signature total to fewer than the required 25,000.

(2) Paragraph 5 Does Not Challenge the Signature Lines as of the Date Signed.

Every signature on the Nominating Petition sheets is preceded, in the page heading, by the statement

that the signers are “qualified voters of the State of Illinois *** who do hereby petition” that the Candidates be placed on the 2014 General Election ballot. The signers thus indicated their status as registered voters (cite) as of the date they signed the petition—which was between March 25, 2014, the first day of the petitioning period, and June 23, 2014, the last day of the petitioning period and also the date the Nominating Petition was filed.

This is consistent with Section 10-2 of the Election Code, which sets out the requirements for forming a new political party and getting the new political party’s candidates on the ballot. Specifically, Section 10-2 states as follows:

“Any such petition for the formation of a new political party throughout the State *** shall declare as concisely as may be the intention of the signers thereof to form such new political party in the State ***.

* * *

The filing of such petition shall constitute the political group a new political party, for the purpose only of placing upon the ballot at such next ensuing election such list *** of party candidates ***.” 10 ILCS 5/10-2.

In addition, Section 10-4 of the Election Code defines the form of the petition sheet and circulator’s affidavit, such that each circulator must swear or affirm, that “to the best of his knowledge and belief the persons so signing were **at the time of signing** the petition duly registered voters *** and certifying that their respective addresses are correctly stated therein.” (Emphasis added.) 10 ILCS 5/10-4.

The Election Code thus requires that the important date for qualifying to sign the Nominating Petition as a “qualified voter” is the date the voter signs the Petition. The Election Code does not require that the signers of the petition be registered at the listed address at the time the Objector checks registration status and files an objection, or the Board undertakes a “binder check.” The legislature knows how to impose that temporal requirement. For example, see 10 ILCS 5/10-2, “Any such petition for the formation of a new political party throughout the State *** shall at the time of filing contain a complete list of candidates of such party ***.”

Paragraph 5 of the Objection, on the other hand, filed on June 30, 2014, uses the present tense to allege that the signers “are not registered voters, or *** are not registered voters at the addresses shown opposite their respective names” rather than the more appropriate assertion, “were not” registered voters when they signed Candidates’ petitions. The Objection’s Appendix does not expound on this allegation,

simply indicating an “X” in a column captioned with the phase, “a. Signer not registered at address shown.”

But the signer’s status on the date that the Objector filed the Objection is not determinative of the validity of the petition signature line. One example of the dilemma is that of a registered voter who signs the petition in April, but then in May marries and adopts her spouse’s last name, might not appear under her new, married name on the registration data at the time and place that the Objector checked her status. Yet her status as a registered/qualified voter at any time relevant to these proceedings cannot be rendered invalid by those circumstances. Another example of changed circumstances that do not render the petition signature line invalid would be a registered voter who moves to a different residence address within Illinois after signing. The Objector’s petition improperly concludes, without supporting factual allegations or proof, that such a registered voter’s signature line would not have been valid.

Therefore, an objection that simply puts a mark corresponding to a line of a petition sheet stating that, at the time the objection is filed, the signer was not registered at address listed when signing is factually, and legally (i.e. as a matter of evidentiary proof), insufficient, and fails as a matter of law.

In light of the foregoing, paragraph 5 of the Objector's petition must be stricken. In addition, the Objection proceedings must be dismissed, because the paragraph 5 (column a) objections make up the majority of the Objector’s line-by-line objections, and the remaining line-by-line objections, even if all sustained, would not bring the Candidates’ signature total to fewer than the required 25,000.

C. Section 10-8 and binder check procedure violate Constitutional equal protection and due process protections.

The Illinois Constitution, Art. I, Section 2, Due Process and Equal Protection, provides that *“No person shall be deprived of life, liberty or property, without due process of law nor be denied equal protection of the law.”* Candidates have a first amendment right to form a new political party and seek supporters' nomination as candidates for elected office. Similarly, each of the voters who has signed Candidates' petitions similarly has a first amendment right to form a political party and nominate the candidate of their choice.

It is not the State Officers Electoral Board's role to follow orders from political parties, or

their leaders, who act through the pretense of an Objector's petition, as if they are somehow neutral. "The very purpose of the First Amendment is to foreclose public authority from assuming a guardianship of the public mind In this field every person must be his own watchman for truth, because the forefathers did not trust any government to separate the true from the false for us.' *Thomas v. Collins*, 323 U. S. 516, 545 (1945) (Jackson, J., concurring).

The U.S. Supreme Court, in *Buckley v. Valeo*, expounded on equal protection concerns and state restrictions upon qualifications of candidates, excerpted as follows:

Equal protection analysis in the Fifth Amendment area is the same as that under the Fourteenth Amendment. *Weinberger v. Wiesenfeld*, 420 U.S. 636, 638 n.2 (1975), and cases cited. In several situations concerning the electoral process, the principle has been developed that restrictions on access to the electoral process must survive exacting scrutiny. The restriction can be sustained only if it furthers a "vital" governmental interest, *American Party of Texas v. White*, 415 U.S. 767, 780-781 (1974), that is "achieved by a means that does not unfairly or unnecessarily burden either a minority party's or an individual candidate's equally important interest in the continued availability of political opportunity." *Lubin v. Panish*, 415 U.S. 709, 716 (1974). See *American Party of Texas v. White*, supra, at 780; *Storer v. Brown*, 415 U.S. 724, 729-730 (1974). These cases, however, dealt primarily with state laws requiring a candidate to satisfy certain requirements in order to have his name appear on the ballot. These were, of course, direct burdens not only on the candidate's ability to run for office but also on the voter's ability to voice preferences regarding representative government and contemporary issues.

Buckley v. Valeo, 424 U.S. 1, 93-94, 96 S.Ct. 612 (1976).

The disparity between requirements for Candidates' nomination papers, imposed to facilitate orderly administration of elections and prevent ballot overcrowding, violate Candidates' constitutional protected right to due process and equal protection under the law. Namely, if the legislature's interest is so strong about preventing too many people from being on the ballot, a similar concern is warranted, to prevent too many objections from being filed, and depriving Constitutionally protected first amendment ballot access rights. In addition, the failure to require from objectors the same level of proof and compliance as required of candidates under the Election Code violates Candidates' due process rights in that they are not made aware of the Objectors'

assertions, and evidence (i.e. “binder check” procedure) which does not yet exist and is speculative.

That is, the State Officers Electoral Board should demand the same level of proof from Objector, and hold her Objector's petition to the same level of scrutiny as the Candidate's nomination papers. Objectors should similarly submit affidavits from her reviewers, so that Candidates can be fully apprised of who reviewed their nomination papers, when it was reviewed, and an affirmation, that in fact there is a good faith basis for the assertion regarding a signature looking different, or a voter's registration being different.

As it is, the objection process is a legal fiction, at best, to keep up an appearances of some type of procedure. However, the signature review process is haphazard and wholly unreliable, in that it does not at all verify or dispute whether a voter actually signed a petition sheet. It only shows, at most, that a voter has bad or inconsistent handwriting, as determined by amateur, untrained handwriting approximations by unqualified staff members hired by the Board. The “binder check” process, which is a creation of the electoral boards, and not the legislature or the Constitution, unconstitutionally burdens Candidates' first and fourteenth amendment rights to ballot access.

In addition, the State Board of Elections' voter registration database is unreliable, in that it is not verified, or vetted, by the State Board of Elections, or otherwise certified by the State Board of Elections. At best, it is electronic hearsay, input from various election authorities, who may have varying and widely different data collection and data integrity procedures. The Board's voter registration database also is not a self-authenticating document under Rule of Evidence 902, nor qualify for admission under the business records exception, Rule of Evidence 803(6). Objector has not offered any evidence of voter registration records, nor has Objector identified in her Objector's petition the basis for her assertions, or authenticated documents admissible under Rule of Evidence 901.

If the legal fiction of a binder check is to be maintained, then the best evidence rule would

require the original voter registration cards be used for review, and if available, voter ballot applications, which would show more recent and reliable voter signatures.

"[L]egislative restrictions on advocacy of the election or defeat of political candidates are wholly at odds with the guarantees of the First Amendment." *Buckley v. Valeo*, 424 U. S., at 50. The integrity of the Board's voter registration database is also questionable, since the Board does not have any procedures, or logs, or verifications in place to maintain and verify the integrity of its data. See attached FOIA response from State Board of Elections, confirming the lack of procedures, or other customary quality control methods used and generally accepted.

The First Amendment is a value-free provision whose protection is not dependent on 'the truth, popularity, or social utility of the ideas and beliefs which are offered.' *NAACP v. Button*, 371 U. S. 415, 445 (1963). As such, since the modicum of support has been demonstrated by the Candidates, the inquiry by the State Officers Electoral Board should end.

D. Cumulative Legislatively Created Burdens on New Parties violates the Constitution.

The cumulative effect of the burdens placed upon new parties, including the 25,000 signature requirement, within 90 days, attested to under oath before a notary public, and despite decennial redistricting that eliminates all growth of an aspiring political party, unconstitutionally burdens Candidates' constitutional rights, and the rights of all voters who signed petitions desiring to form a new political party.

(1) Candidates' Rights Violated.

It is well-settled that Illinois Courts recognize a strong policy interest in favor of ballot access. The public policy of this state is to provide legitimate candidates for office with access to the ballot, and therefore the citizenry an enhanced ability to participate. *Wisnasky-Bettorf v. Pierce*, 2012 IL 111253; *Hossfeld v. Illinois State Board of Elections*, 398 Ill.App.3d737 (2010). Courts view the right of citizens to run for and hold political offices a valuable one. *McGuire v. Nogaj*, 146 Ill.App.3d 280 (1st Dist.1986). "Ballot access is a substantial right and not lightly to be denied." *Reyes v. Bloomingdale Township Electoral Board*, 265 Ill.App.3d 69, 71, 638 N.E.2d 782 (2nd Dist.1994), citing *Welch v. Johnson*, 147 Ill.2d 40, 56, 588 N.E.2d 1119 (1992).

As the Illinois Supreme Court cautioned in *Lucas v. Lakin*, 175 Ill.2d 166, 676 N.E.2d 637(1997), "[w]e are mindful of the need to tread cautiously when construing statutory language which restricts the people's right to endorse and nominate the candidate of their choice." The exercise of this right is not to be prohibited or curtailed except by plain provisions of the law, and statutes imposing disqualification should be construed liberally, resolving all doubts in favor of the Candidate's eligibility. *Id.* At 282; *McNamara v. Oak Lawn Municipal Officers Electoral Board*, 356 Ill.App.3d 961, 827 N.E.2d 996 (1st Dist.2005). Given Illinois' strong policy in favor of ballot access, that statutes imposing disqualification are to be construed liberally, and that all doubts must be resolved in a candidate's favor, there can be no question that the Objector's claims here cannot suffice to disqualify the Candidates in this case.

The right to seek office, as a member of a political party, is protected speech, and any government entity has a heavy burden to justify the restriction on such political speech by showing not only that the limitation achieves a compelling state interest, but also that the limitation is no broader in scope than is necessary to achieve that purpose. See, e.g., *Buckley v. Am. Constitutional Law Found.*, 525 U.S.182 (1999); *Krislov v. Rednour et al.*, 226 F.3d 851 (7th Cir. 2000). In the context of the First Amendment, the Court must be vigilant to guard against undue hindrances to political association and the exchange of ideas. *Buckley*, 525 U.S. at 192; *Eu v. San Francisco County Democratic Cent. Comm.*, 489 U.S. 214, 224 (1989).

To the extent this Electoral Board may interpret the Election Code to prevent the Candidates from access to the ballot under these facts, the Electoral Board will have violated the constitutional rights of not only the named Candidates, but also the constitutional rights of almost 30,000 voters to form a new political party and nominate the candidates of their choice. For example, the legislature's requirement that each sheet be notarized imposes a significant burden (that is cumulative with other burdens), and is not the least drastic method to achieve their ends, as required. The Illinois Code of Civil Procedure, Section 1-109 (735 ILCS 5/1-109), allows verification under penalty of perjury, without requiring a person to appear before a notary public, and this procedure is acceptable for all court purposes, including affidavits filed in judicial proceedings.

Another example is the 25,000 signature requirement, which in realistic/practical terms equates to well over 30,000 signatures, likely closer to 40,000, when the Board relaxed standards for Section 10-8

objections are taken into consideration. Any nearly anonymous person, appearing through an attorney, but never being required to actually testify, or offer evidence in support of the objection petition (even at an evidentiary hearing), can file an objection, with little to no supporting factual basis, or penalties for frivolous objections (as the Board often points out, it is without authority). This double standard has proven to be a significant burden on the electoral board, when a considerably larger ratio of objections are filed to the number of candidates (there are many times two objections to a single candidate).

The U.S. Supreme Court has repeatedly recognized that "debate on the qualifications of candidates [is] integral to the operation of the system of government established by our Constitution." *Buckley v. Valeo*, 424 U.S. 1, 14, 96 S. Ct. 612, 632 (1976). Indeed, the First Amendment "has its fullest and most urgent application" to speech uttered during a campaign for political office. *Monitor Patriot Co. v. Roy*, 401 U.S. 265, 272, 91 S. Ct. 621, 625 (1971). This is because the "election campaign is a means of disseminating ideas as well as attaining political office." *Illinois Bd. of Elections v. Socialist Workers Party*, 440 U.S. 173, 184-186, 99 S. Ct. 983, 990-991 (1979). Undue limitations on formation of a new political party directly hampers the ability of voters to organize and spread a new message and hamstring voters seeking to inform themselves about the new party, its candidates and the campaign issues. See, e.g., *Eu v. San Francisco County Democratic Central Committee*, 489 U.S. 214, 222, 109 S. Ct. 1013 (1989).

Accordingly, a "highly paternalistic approach" limiting what people may hear is generally suspect, *Virginia State Bd. of Pharmacy v. Virginia Citizens Consumer Council, Inc.*, 425 U.S. 748, 770, 96 S.Ct. 1817 (1976). Here, Objector Karen Yarbrough, and the Democratic Party she represents, are seeking to suppress and restrict choices on the ballot, and stymie public discourse, or alternative messages for saving the State from financial ruin, brought about through widespread nepotism, cronyism and self-dealing.

It is therefore the Objector's burden to demonstrate that invocation of the rule relied on in this case advances a compelling state interest. *Eu v. San Francisco County Democratic Central Committee*, 489 U.S. 214, 222, 109 S.Ct. 1013 (1989). There is clearly no concern about ballot overcrowding, or candidates who have not shown the requisite modicum of support.

Objector cannot advance a credible argument in this case that removal of Candidates from the ballot, based upon the defects of which she complains, somehow advances any compelling state interest. On the

contrary, Objector is seeking to suppress discourse, suppress Green Party candidates, and deny voters the choice of more than one or two candidates.

(2) Voters rights to form a new political party violated.

Similarly, the right of citizens to form a political party is a fundamental right of the First Amendment. “Representative democracy in any populous unit of governance is unimaginable without the ability of citizens to band together in promoting among the electorate candidates who espouse their political views. . . . Consistent with this tradition, the Court has recognized that the First Amendment protects ‘the freedom to join together in furtherance of common political beliefs.’” *California Democratic Party v. Jones*, 530 U.S. 567, 574, 120 S. Ct. 2402 (2000), citing *Tashjian v. Republican Party of Conn.*, 479 U.S. 208, 214-215, 107 S. Ct. 544 (1986). Accordingly, “[r]estrictions upon the access of political parties to the ballot impinge upon the rights of individuals to associate for political purposes, as well as the rights of qualified voters to cast their votes effectively, and may not survive scrutiny under the First and Fourteenth Amendments.” *Munro v. Socialist Workers Party*, 479 U.S. 189, 193, 107 S. Ct. 533 (1986), citing *Williams v. Rhodes*, 393 U.S. 23, 30, 89 S. Ct. 5, 10 (1968).

To be sure, “[s]tates may condition access to the general election ballot by a minor-party or independent candidate upon a showing of a modicum of support among the potential voters for the office.” *Munro*, 479 U.S. at 193. Thus, courts must engage in a balancing test to weigh the rights of States to condition access to the general election ballot against the rights of citizens to form political parties that can vie for election and the rights of citizens to cast votes effectively for their chosen candidate. As the Supreme Court explained in *Anderson v. Celebrezze*, 460 U.S. 780, 103 S. Ct. 1564 (1983):

Constitutional challenges to specific provisions of a State's election laws therefore cannot be resolved by any ‘litmus-paper test’ that will separate valid from invalid restrictions. Instead, a court must resolve such a challenge by an analytical process that parallels its work in ordinary litigation. It must first consider the character and magnitude of the asserted injury to the rights protected by the First and Fourteenth Amendments that the plaintiff seeks to vindicate. It then must identify and evaluate the precise interests put forward by the State as justifications for the burden imposed by its rule. In passing judgment, the Court must not only determine the legitimacy and strength of each of those interests; it also must consider the extent to which those interests make it necessary to burden the plaintiff's rights. Only after weighing all these factors is the reviewing court in a position to decide whether the challenged provision is unconstitutional.

460 U.S. at 789. (Internal citation omitted.)

Overall, the Court's "primary concern is with the tendency of ballot access restrictions 'to limit the field of candidates from which voters might choose.' Therefore, '[i]n approaching candidate restrictions, it is essential to examine in a realistic light the extent and nature of their impact on voters.'" *Anderson*, 460 U.S. at 786. (Internal citation omitted.) Where, as in the case at bar, "the challenged law burdens the rights of political parties and their members, it can survive constitutional scrutiny only if the State shows that it advances a compelling state interest and is narrowly tailored to serve that interest." *Eu v. San Francisco County Democratic Cent. Committee*, 489 U.S. 214, 222, 109 S.Ct. 1013 (1989). (Internal citation omitted.)

In other words, strict scrutiny applies. To the degree that a State would thwart "the opportunities of all voters to express their own political preferences" by "limiting the access of new parties to the ballot," the Court has "called for the demonstration of a corresponding interest sufficiently weighty to justify the limitation." *Norman v. Reed*, 502 U.S. 279, 288-89, 112 S. Ct. 698 (1992). Further, even where states can show a compelling state interest, they must "adopt the least drastic means to achieve their ends." *Illinois State Board of Elections v. Socialist Workers Party*, 440 U.S. 173, 185, 99 S. Ct. 983 (1979).

Moreover, allowing Objector's petition to proceed would not serve the purposes of the Election Code, but only serve to deprive Candidates and the new political party they are forming, of their Constitutionally protected rights. A state's broad power to regulate the time, place, and manner of elections "does not extinguish the State's responsibility to observe the limits established by the First Amendment rights of the State's citizens. *Eu v. San Francisco County Democratic Central Committee*, 489 U.S. 214, 222, 109 S.Ct. 1013 (1989). It is well settled that partisan political organizations enjoy freedom of association protected by the First and Fourteenth Amendments. *Id.* Freedom of association means not only that an individual voter has the right to associate with the political party of her choice, but also that a political party has a right to identify the people who constitute the association and to select a "standard bearer who best represents the party's ideologies and preferences. *Id.*

Ballot access laws should be viewed in their totality, not in isolation. *Williams*, 393 U.S. at 34. Considering the total effect of the Election Code, written and consistently modified by the

established parties to impose ever greater obstacles on new parties, the combined effect of a five-times higher signature requirement than established parties, collected within a restricted 90 day time, plus the “legal fiction” that has been created by the SOEB to somehow rationalize Section 10-8's ability to file an objection by making bare, and sparse accusations. Nowhere in Section 10-8 is there a requirement that a candidate must submit 2 or 3 times the number of signatures required (or at least 32,000 according to Objector's counsel).

The Election Code provisions, taken as a whole, including the full slate requirement, with signatures of 25,000 registered voter signatures, gathered in a 90 day window, with each sheet requiring circulators to individually appear before a notary public and sign an affidavit that is notarized, and the threat of a blanket, unsupported Section 10-8 conclusory objector's petition, et al., taken together, unduly and impermissibly burden Candidates' constitutional rights.

As such, Candidates have substantially complied with all requirements of all applicable Constitutional provisions, and relevant provisions of the Election Code. Candidates have demonstrated a significant level of support, and filed all necessary nomination papers.

WHEREFORE, Candidates, through counsel, respectfully request entry of an order striking and dismissing Objectors' petition, as requested above, and for any for any other relieve in favor of Candidates and the almost 30,000 voters who desire to form a new political party and see the candidates of their choice on the November 4, 2014 general election ballot.

Respectfully submitted:

By:



Attorney for Objector

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Certificate of Filing and Service

The undersigned, an attorney, certifies that he filed and served (via email) upon opposing counsel, Mike Kasper, and the State Officers Electoral Board c/o: Steve Sandvoss, general counsel, a copy of the **Candidates' Motion to Strike and Dismiss**, on July 10, 2014, at or before 5:00 pm.

By: 
Attorney for Objector

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RE: FOIA request

From: Harrington, Bernadette <BHarrington@elections.il.gov>
To: Andrew Finko PC <finkolaw@fastmail.fm>
Subject: RE: FOIA request
Date: Thursday, July 10, 2014 12:07 PM
Size: 18 KB

Andy,

I've forwarded your request to Kyle Thomas, the Board's Director of Voting and Registration Systems, who has informed me that the State Board of Elections does not have any documents directly related to the type of voter information that you request.

Regarding items a and b, data related to voter registrations, including registrations, cancellations, changes to registration status, signature clips, and voter history, is entered by the individual Election Authorities across the State and uploaded to IVRS through its connections with the jurisdictions' local databases. The Elections Authorities accept and process the actual voter registrations, cancellations, and changes; therefore, the documents related to those registrations such as applications, affidavits, voter cards, etc. are maintained by the Election Authorities. The State Board of Elections has documentation provided by Catalyst that has technical details as to how the Election Authorities' database connects with IVRS but the Board itself does not obtain any voter information other than what is directly entered by the Election Authorities and stored within IVRS.

Regarding item c, the Election Authorities make changes at the jurisdictional level that are then uploaded to IVRS. The only logs the State Board of Elections has are database logs created by the servers; however, these logs merely track that the database itself has been changed and do not track the changes to actual voter registration information contained within IVRS.

Regarding item d, the State Board of Elections does not maintain documents that track changes within IVRS (such as date, quantity, identity, and merging of voter registration information) because the voter registration database is a fluid environment updated in real-time and by batch as the Election Authorities make changes at the jurisdictional level. The Election Authorities maintain the type of information that you are requesting as they are responsible for the changes made within IVRS.

As mentioned earlier, the Board can provide you with documentation from Catalyst explaining the technical aspects of IVRS but documentation related to the voter data contained within IVRS is maintained by the EAS as they are responsible for the information entered and uploaded to IVRS.

If you would like to discuss anything further, please contact Kyle Thomas by telephone at (217) 782-1590 or by email at kthomas@elections.il.gov.

Sincerely,
Bernadette M. Harrington
Legal Counsel/FOIA Officer

Illinois State Board of Elections
BHarrington@elections.il.gov

From: Andrew Finko PC [mailto:finkolaw@fastmail.fm]
Sent: Thursday, July 03, 2014 2:07 PM
To: Harrington, Bernadette
Subject: FOIA request

Hello Bernadette,

I would like to request the following documents, to the extent that they are in the possession of the Illinois State Board of Elections ("ISBE"), that are in effect during the year 2014. I believe some of this information will be maintained by the ISBE's IT department.

- (a) documents that contain the procedures used by the ISBE for obtaining registered/inactive/canceled voter history, voter signature clips, voter registration cards, and other voter-related information from the various election authorities in the State;
- (b) documents that identify the quality control procedures used by the ISBE to manage and maintain the ISBE's voter registration database
- (c) documents that identify the ISBE's procedure and policy for creating and maintaining logs to track the changes that are made to the ISBE's voter registration database
- (d) documents that identify the date, quantity, identity, and merging of voter registration information that has been added to the ISBE voter registration database during the time period April 1, 2014 to present.

Electronic/PDF data would be preferable, and I'll agree to pay any costs up to \$100, and let me know if there's a greater cost.

Thank you.

Andy Finko

- - -

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BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO NOMINATION
PAPERS OF CANDIDATES FOR ELECTION TO OFFICE IN THE STATE OF ILLINOIS

KAREN YARBROUGH,)	
)	
Petitioner/Objector,)	
)	
v.	)	No. 2014-SOEB GE 516
)	
SCOTT SUMMERS, BOBBY L. PRITCHETT,)	
OMAR LOPEZ, SHELDON SCHAFER,)	
DAVID BLACK, JULIE SAMUELS, and)	
TIM CURTIN,)	
)	
Respondents/Candidates.)	

REPLY IN SUPPORT OF CANDIDATES'
MOTION TO STRIKE AND DISMISS OBJECTOR'S PETITION

Now come the Green Party Candidates for Statewide Office, Scott Summers for Governor, Bobby L. Pritchett for Attorney General, Omar Lopez for United States Senate, Sheldon Schafer for Secretary of State, David Black for Attorney General, Julie Samuels for Treasurer, and Tim Curtin for Comptroller (hereinafter "Candidates"), and file their reply in support of their motion to strike and dismiss the petition of the Objector, Karen Yarbrough (hereinafter "Objector"), as follows.

A. Objector has failed to address deficiencies in her Objector's Petition

Objector's response is short, and dismissive. Objector does not identify the date(s) on which her staff reviewed Candidates' petition sheets, nor does she identify the date(s) of the database used. There has been no evidence, or factual allegation, in Objector's petition, to corroborate her assertion raised in her Response brief, that somehow the voters "did not sign in their own proper person" either through affidavits from voters, or affidavits of Objectors' staff, that somehow they believe a person did not personally sign the petition.

Objector also fails to state authority for a "records examination" at some time in the future, using a dynamic and ever-changing voter registration database, to prove that somehow, in the past, voters were not registered on the dates when they signed the Candidates' petition sheets.

Section 10-4 of the Election Code requires only that voters be registered to vote “to the best of his knowledge and belief the persons so signing were at the time of signing the petition duly registered voters *** and certifying that their respective addresses are correctly stated therein.” (Emphasis added.) 10 ILCS 5/10-4.

The Election Code thus requires that the important date for qualifying to sign the Nominating Petition as a “qualified voter” is the date the voter signs the Petition. As a matter of law (and fundamental due process), Objector's petition fails to fully inform Candidates of the nature of her objection, since the Objector's petition does not assert, that on the date of signing, the voters were not duly registered voters.

The Election Code does not require that the signers of the petition be registered at the listed address at the time the Objector checks registration status and files an objection, nor at the time that the Board undertakes a “records examination.”

Furthermore, Objector has not addressed the evidentiary issues raised by Candidates, namely Objector's insurmountable burden of proof, that “at the time of signing” certain voters were not registered voters. The Objector failed to sufficiently state the necessary details in her Objector's petition, and cannot retroactively amend her petition, or expand it.

B. Failure to raise challenge to Board Rules and Procedures is not affirmation of validity.

The fact that prior candidates have not challenged the validity, and constitutionality of the SOEB's own rules and procedures, and the creation of the “legal fiction” that is known as a “records examination” does not equate to validity of such procedures.

There are hundreds of examples of procedures that are applied and enforced by electoral authorities, for extended periods of time, that are deemed unconstitutional. For example, see the “Loyalty Oath,” 10 ILCS 5/7-10.1, which was enacted during the Cold War, and enforced for decades without anyone raising a concern. Despite Supreme Court decisions rendering the “Loyalty Oath” unconstitutional, the legislature has not yet had the time, or inclination, to remove it from the Illinois Code. As such, every election, hundreds of aspiring politicians (estimated at approximately 80%) still sign, and file a “Loyalty Oath” despite the unconstitutionality of such an oath. A pattern of action, such as

the fact that 80% of candidates still file a loyalty oath, has no bearing on the current challenge.

C. Objector makes no response to Constitutional violations raised by Candidates.

Objector avers that the Constitution has no place before the Electoral Board, and dismissed all arguments by Candidates. As such, Objector should be deemed to have waived her argument before the Electoral Board regarding Constitutional violations.

Objector seems to argue for even greater burdens on new political parties, and wields the money and power of the prominent established political party that has controlled the City of Chicago, the County of Cook and the Legislature in Springfield for the last half century.

When the Election Code was amended for the inclusion of a 25,000 signature barrier to new parties, it was done so to prevent third parties from infiltrating Illinois ballots. At that time, records examinations were not conducted, and signatures were accepted, where nomination papers substantially complied.

Times have changed, and so has public opinion. Currently, a majority of voters do not affiliate with either of the two current established parties. Only 18% of registered voters swore out an application for a Democratic Party or Republican Party ballot at the March 18, 2014 general primary election. Eighty-two percent of voters are not interested.

The right to organize as a political party is a core first amendment right. Objector is attempting to suppress first amendment protected discourse, and deny voters the right to choose their candidates. Money and power should not determine new political party status, where the first amendment protects ballot access rights, as core rights under the first amendment.

D. Substantial conformity with the Election Code

Candidates nomination papers substantially confirm with the Election Code, and include the signatures and addresses of over 25,000 voters who affirmed to circulators that they were indeed registered voters, and desirous of forming an Illinois Green Party and nominating Candidates for statewide office.

Although Objector is arguing for a heightened, far more than 25,000 voter signature requirement,

of perhaps 35,000 or 40,000 to counter-act the effects of money and power to create an objection, the Election Code imposes no such heightened burden. Candidates meet all requirements of the Election Code.

WHEREFORE, Candidates, through counsel, respectfully request entry of an order striking and dismissing Objectors' petition, as requested above, and for any for any other relieve in favor of Candidates and the almost 30,000 voters who desire to form a new political party and see the candidates of their choice on the November 4, 2014 general election ballot.

Respectfully submitted:

By: 
Attorney for Objector

Vito Mastrangelo
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Certificate of Filing and Service

The undersigned, an attorney, certifies that he filed and served (via email) upon opposing counsel, Mike Kasper, and the State Officers Electoral Board c/o: Steve Sandvoss, general counsel, a copy of the **Candidates' Reply in Support of Motion to Strike and Dismiss**, on July 14, 2014, at or before 5:00 pm.

By: 
Attorney for Objector

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Email: FinkoLaw@fastmail.FM

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO NOMINATION
PAPERS OF CANDIDATES FOR ELECTION TO OFFICE IN THE STATE OF ILLINOIS

KAREN YARBROUGH,)	
)	
Petitioner/Objector,)	
)	
v.	)	No. 2014-SOEB GE 516
)	
SCOTT SUMMERS, BOBBY L. PRITCHETT,))	
OMAR LOPEZ, SHELDON SCHAFER,)	
DAVID BLACK, JULIE SAMUELS, and)	
TIM CURTIN,)	
)	
Respondents/Candidates.)	

**OBJECTIONS TO “RECORDS EXAMINATION” PROCEDURE
AND MOTION TO STAY “RECORDS EXAMINATION”**

Now come the Green Party Candidates for Statewide Office, Scott Summers for Governor, Bobby L. Pritchett for Attorney General, Omar Lopez for United States Senate, Sheldon Schafer for Secretary of State, David Black for Attorney General, Julie Samuels for Treasurer, and Tim Curtin for Comptroller (hereinafter “Candidates”), and file their objections to the “records examination” procedure adopted by the SOEB, in addition to those stated in their motion to strike, and move to stay the “records examination.”

A. Forum Non Conveniens

Objector offered no verified or under oath evidence in support of her Objector's petition, but is relying upon the ISBE to take up her Party's cause, and create evidence, which she intends to use to support her Objector's petition. This “records examination” is not only an inappropriate shifting of the burden of proof, but imposes further burdens upon “new” party candidates, based upon the SOEB's procedures used to administer the “records examination.”

In addition to the objections previously stated in Candidate's Motion to Strike, Candidates assert that entire process is further burdensome and prejudicial to Candidates based upon the location for a “records examination” being scheduled for the ISBE's Springfield, Illinois office, instead of (a) allowing Candidates the choice of one or both offices, or (b) scheduling such “records examination” at the ISBE's

Chicago, Illinois office.

A staff member of the ISBE unilaterally determined that a “records examination” would be scheduled in Springfield, and determined that 12 computer stations would be used simultaneously. The Candidates were not consulted, or afforded any input into the decision as to the location of the “records examination” or the number of simultaneous stations that would be used.

The choice of Springfield as the venue for the “records examination” imposes a significant burden upon Candidates. The doctrine of forum non conveniens, and its history, were addressed by the Supreme Court in *Dawdy v. Union Pacific RR Co.*, 207 Ill.2d 167, 797 N.E.2d 687 (2003), and provide guidance in the current matter, and the selection of the location for the “records examination.”

The State Board of Elections maintains two full-time, staffed offices: one in Chicago, and one in Springfield. When the State Officers Electoral Board meets, it convenes at both offices, simultaneously, via audio/video conferencing equipment, and Board members are often at both locations.

The Objector filed her objector's petition in the Chicago office, and she herself is the Recorder of Deeds for Cook County, and resides in Maywood, Illinois, which are located very near Chicago. Attorneys for the Objector and Candidates maintain their offices in Chicago, Illinois.

It was unduly prejudicial to Candidates for the “records examination” being scheduled in Springfield, which is solely for the convenience and cost-savings of the State Board of Elections, and not for purposes of serving the public or voters.

The State Board of Elections has previously conducted “records examinations” at its Chicago office, and has simultaneously set up at least 25 stations, incidental to election contests for state representative and senatorial elections. The cost for travel should not be borne by Candidates, when the State Board of Elections has ready access to space at its Chicago office, and computer terminals that could be set up for the duration of the “records examination.”

A majority of Illinois residents live within Cook County and the surrounding collar counties, or approximately 50 miles of Chicago, Illinois. It would be logical, then for the State Board of Elections to have increased the size of its Chicago office, to accommodate the needs of voters and candidates served

by the Chicago office. Instead, the ISBE expanded a satellite location at a shopping mall in Springfield.

For example, the City of Chicago Board of Election Commissioners rents computer terminals, if necessary, to accommodate expanded “records examinations,” and even pays its employees overtime to keep the Board office open after hours, until 9:00 pm, to accommodate established party attorney requests to access the voter database in private, after regular business hours.

The location for the “records examination” poses a tremendous burden upon Candidates and their attorneys, and supporters, none of whom are located near Springfield. Candidates would be able to enlist volunteers to attend a “records examination” in Chicago, with sufficient notice, but are unable to do so in Springfield.

B. Pending Litigation.

The Candidates have filed a lawsuit asserting violations of their (and voters') First and Fourteenth Amendment rights, and that the loosely administered “records examination” procedures adopted by the SOEB board (without allowing public comment), violate “new” party candidates' ballot access and associational rights.

For efficiency, and saving resources of the ISBE, Candidates move to stay the records examination procedure until after August 13, 2014, at which time the federal court will have ruled upon Candidates' motion for preliminary injunction.

C. Pending Motion to Strike.

Candidates have filed a motion to strike Objector's Petition, arguing that as a matter of law, a review of the State Board of Election's voter registration database would not, and could not, support Objector's petition. The State Board of Election's voter registration database is an ever-changing, dynamic database compiled from voter registration records submitted from election authorities throughout the state. As a simple matter of evidence, a review of the voter registration database at a future date, cannot identify voter registration status at times in the past, and is insufficient, as a matter of law, to overcome the verified, notarized, sworn circulator's affidavits upon each page, which affirm that each signer was a

duly registered voter, on the date each voter signed the Candidates' petition.

The motion to strike is a dispositive motion, which as a matter of law (asserting fundamental evidentiary foundation, hearsay and relevancy objections), that could resolve Objector's petition, and forego the need for a "records examination." For efficiency, and saving resources of the ISBE, Candidates move to stay the records examination procedure until after July 29, 2014, at which time the hearing officer will entertain oral argument, and thereafter issue a recommendation.

D. Due Process Lapses.

At the initial status conference, Candidates lodged an objection to the hearing officer regarding the scheduling of a "records examination" in Springfield. The hearing officer refused to address Candidates' concerns, stating that he had no authority or control over the "records examination" location, which was determined and provided to him by an ISBE staff member. Similarly, the Rules and Procedures do not afford any due process to Candidates, who are disparately affected by the ISBE's unilateral determination of the location at which a records examination is to be undertaken.

Candidates are now being subjected to the added burdens of a "records examination" that under fundamental rules of evidence would have no merit or admissibility regarding past voter registration status, without any recourse to address either the lack of a ruling upon their motion to strike, or any input into the location of the "records examination." Not only is this process inefficient and wasteful of State Board of Elections, the steam rolling of the "records examination" without due process being afforded to Candidates, to obtain a ruling upon their motion to strike and/or challenge the location, stations and timing of the "records examination," serve no compelling state interest, and are not the least restrictive means of administering elections. There is no ballot overcrowding concern, and unequivocally, Candidates have demonstrated a significant "modicum of support" through the submission of almost 30,000 signatures, each of which has been previously verified and sworn to under oath by circulators, who have appeared before notaries public.

Continuing the "legal fiction" that is a "records examination" only further burdens, deters and obstructs "new" party candidates from the ballot, and suppress their message to voters and first

amendment protected political speech.


E. Standing Objection

Candidates strenuously object to the “records examination” proceeding in Springfield, commencing on July 24, 2014 at 1:00 pm, as was relayed to Candidates counsel by the hearing officer on July 22, 2014. Candidates further object to each and every ruling by the State Board of Elections on Objector's supposed appendix recapitulation pages.

WHEREFORE, Candidates, through counsel, respectfully request that the “records examination” proceeding be stayed, until after such time as the federal court has ruled upon Candidates' motion for preliminary injunction, or in the alternative, stayed until after such time as the hearing officer has issued a recommendation on Candidates' motion to strike.

Respectfully submitted:

By:


Attorney for Objector

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Fax: (773) 453-3266
Email: FinkoLaw@fastmail.FM

Certificate of Filing and Service

The undersigned, an attorney, certifies that he filed and served (via email) upon opposing counsel, Mike Kasper, and the State Officers Electoral Board c/o: Steve Sandvoss, general counsel, a copy of the ***Objections To “RECORDS Examination” Procedure And Motion To Stay “RECORDS Examination,”*** on July 23, 2014.

By:


Attorney for Objector

Andrew Finko P.C.
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Chicago, IL 60690-2249
Tel: (773) 480-0616
Fax: (773) 453-3266
Email: FinkoLaw@fastmail.FM

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO
NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO
OFFICE IN THE STATE OF ILLINOIS

Karen Yarbrough,)	
)	
Petitioner-Objector,)	
)	
v.	)	14 SOEB GE 516
)	
Scott Summers, Bobby L. Pritchett, Jr.,)	
Omar Lopez, Sheldon Schafer, David)	
Black, Julie Samuels, and Tim Curtin,)	
)	
Respondent-Candidates.)	

RESPONSE TO MOTION TO STRIKE AND DISMISS

NOW COMES, Objector, by and through her attorneys, and in response to the Candidate's Motion to Strike and Dismiss, states as follows:

1. The Candidate's Motion asserts that the Objector's Petition should be dismissed for two reasons. First, the Candidates' allege that the Objector's Petition should be dismissed for failure for failure to state fully the nature of the objection set forth in the Objector's Petition. Second, the Motion allege that the Illinois statutory provisions governing the creation of new political parties are an unconstitutional burden on their First Amendment rights. The Motion should be denied on both grounds.

2. Section 10-8 of the Election Code governs the requirements for an Objector's Petition and provides that an Objector's Petition must "state fully the nature of the objections" to the nomination papers. 10 ILCS 5/10-8.

3. In this case, the Objector's Petition makes specific allegations that certain signer's signatures are invalid because the signer's are not registered voters or are not registered at

the addresses indicated on the petitions as required by the Illinois Election Code. 10 ILCS 5/10-4; 10 ILCS 5/3-1.2.

3. The Candidates' Motion seems to take exception to the fact that the Objector's Petition makes the allegation in the present, rather than the past, tense. However, Section 10-4 also uses the present tense: "Such petition shall be signed by the qualified voters in their own proper persons only ..." 10 ILCS 5/10-4. Moreover, Section 3-1.2 of the Election Code specifically refers to both a person who "*is* registered to vote at the address" or who "*was* registered to vote at such address" at the time he or she signed the petition.

4. Thus, the Objector's Petition's assertion that certain signatures are invalid because the signers are not registered to vote at the addresses indicated on the petition is directly related to the provision in Section 3-1.2 that a petition signers must be a person who "*is* registered to vote at the address" because it simply alleges that the signed "*is not* registered to vote at the address.

5. More importantly, however, regardless of whether the allegation is phrased in the past or present tense, it cannot be seriously argued that the allegation does not state fully the nature of the objections. The allegations contained in the Objector's Petition are verbatim the same as literally thousands of previous petitions that the Board and candidate have successfully litigated over the course of several decades. *See Greene v. Board of Election Com'rs of City of Chicago*, 112 Ill.App.3d 862, 445 N.E.2d 1337 (1st Dist., 1983).

6. As a result, the Objector's Petition fully complies with the requirements of Section 10-8.

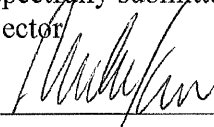
7. The Candidates' next argue that the Election Code provisions governing the creation of new political parties impose an unconstitutional burden on the Candidates' First Amendment rights.

8. The Supreme Court has specifically determined that the Electoral Board may not consider such constitutional issues. *Goodman v. Ward*, 241 Ill.2d 398, 411, 948 N.E.2d 580, 589 (2011)("election boards are not entitled to assess the constitutionality of Election Code requirements").

9. Moreover, the Candidate's are incorrect in their constitutional arguments because the Election Code provisions regulating ballot access by new parties and independent candidates have repeatedly been upheld in the face of the same allegations the Candidates make here. *See Nader v. Keith*, 385 F.3d 729 (C.A. 7, 2004); *Jackson v. Ogilvie*, 325 F. Supp. 864 (D.C Ill., 1971).

WHEREFORE, for the foregoing reasons, the Objector respectfully prays that the Motion to Strike and Dismiss be denied.

Respectfully submitted,
Objector

By:  _____

Michael J. Kasper
222 North LaSalle Street, Suite 300
Chicago, Illinois 60601
312.704.3292
312.368.4944 (fax)

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO
NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO
OFFICE IN THE STATE OF ILLINOIS

Karen Yarbrough,)	
)	
Petitioner-Objector,)	
)	
v.	)	14 SOEB GE 516
)	
Scott Summers, Bobby L. Pritchett, Jr.,)	
Omar Lopez, Sheldon Schafer, David)	
Black, Julie Samuels, and Tim Curtin,)	
)	
Respondent-Candidates.)	

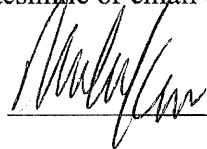
NOTICE OF FILING

TO: Andrew Finko	Steve Sandvoss
finkolaw@fastmail.fm	ssandvoss@elections.il.gov
 Philip Krasny	 Bernadette Harrington
philipkrasny@yahoo.com	bharrington@elections.il.gov

Please take notice that on Friday, July 11, 2014, I filed with the State Officers Electoral Board the attached Response to the Motion to Strike and Dismiss, a copy of which is hereby served upon you.

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that copies of the attached pleading were served upon the parties referenced above by facsimile or email on Friday, July 11, 2014.



Michael J. Kasper
222 N. LaSalle, Suite 300
Chicago, IL 60601
312.704.3292
312.368.4944 (facsimile)

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO
NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO
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Scott Summers, Bobby L. Pritchett, Jr.,)	
Omar Lopez, Sheldon Schafer, David)	
Black, Julie Samuels, and Tim Curtin,)	
)	
Respondent-Candidates.)	

OBJECTOR'S PETITION

INTRODUCTION

Karen Yarbrough, hereinafter sometimes referred to as the Objector, states as follows:

1. The Objector resides at 217 S. 2nd Ave., Maywood, Illinois, Zip Code 60153, in the State of Illinois, and is a duly qualified, legal and registered voter at that address.
2. The Objector's interest in filing this Petition is that of a voter desirous that the laws governing the filing of nomination papers for the offices Governor, Lieutenant Governor, United State Senator, Secretary of State, Attorney General, Treasurer, and Comptroller of the State of Illinois are properly complied with, and that only qualified candidates appear on the ballot for said office.

OBJECTIONS

3. The Objector makes the following objections to the purported nomination papers ("Nomination Papers") of Scott Summers, Bobby L. Pritchett, Jr., Omar Lopez, Sheldon Schafer, David Black, Julie Samuels, and Tim Curtin as candidates for the offices of Governor, Lieutenant Governor, United State Senator, Secretary of State, Attorney General, Treasurer, and Comptroller of the State of Illinois ("Offices") to be voted for at the General Election on November 4, 2014 ("Election"). The Objector states that the Nomination Papers are insufficient in fact and law for the following reasons:

4. Pursuant to State law, nomination papers of independent candidates (or a new political party candidates) for the Offices to be voted for at the Election must contain the signatures of not fewer than 25,000 duly qualified, registered and legal voters of the State of Illinois collected in

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CLERK OF ELECTION

the manner prescribed by law. In addition, nomination papers must truthfully allege the qualifications of the candidate, be gathered and presented in the manner provided for in the Illinois Election Code, and otherwise executed in the form provided by law. The Nomination Papers purport to contain the signatures of in excess of 25,000 such voters, and further purport to have been gathered, presented and executed in the manner provided by the Illinois Election Code.

5. The Nomination Papers contain petition sheets with the names of persons who are not registered voters, or who are not registered voters at the addresses shown opposite their respective names, as is set forth specifically in the Appendix-Recapitulation filed in conjunction with this Objector's Petition and incorporated herein, under the heading Column a., "Signer Not Registered at Address Shown," in violation of the Illinois Election Code.

6. The Nomination Papers contain petition sheets with the names of persons who did not sign the papers in their own proper persons, and such signatures are not genuine and are forgeries, as is set forth specifically in the Appendix-Recapitulation filed in conjunction with this Objector's Petition and incorporated herein under the heading, Column b., "Signer's Signature Not Genuine," in violation of the Illinois Election Code.

7. The Nomination Papers contain petition sheets with the names of persons for whom the addresses stated are not in the State of Illinois, and such persons are not registered voters in the State of Illinois, as is set forth specifically in the Appendix-Recapitulation filed in conjunction with this Objector's Petition and incorporated herein, under the heading, Column c., "Signer Resides Outside District," in violation of the Illinois Election Code.

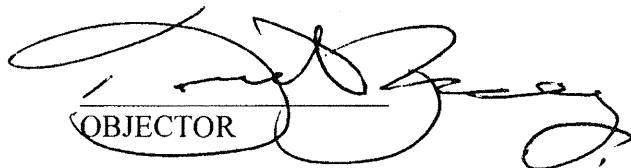
8. The Nomination Papers contain petition sheets with the names of persons for whom the addresses given are either missing entirely or are incomplete, as is set forth specifically in the Appendix-Recapitulation filed in conjunction with this Objector's Petition and incorporated herein, under the heading, Column d., "Signer's Address Missing or Incomplete," in violation of the Illinois Election Code.

9. The Nomination Papers contain petition sheets with the names of persons who have signed the Nomination Papers more than one time as is set forth specifically in the Appendix-Recapitulation filed in conjunction with this Objector's Petition and incorporated herein, under the heading, Column e., "Signer Signed Petition More Than Once at Sheet/Line Indicated," in violation of the Illinois Election Code.

10. The Nomination Papers contain less than 25,000 validly collected signatures of qualified and duly registered legal voters of the State of Illinois, signed by such voters in their own proper person with proper addresses, below the number required under Illinois law, as is set forth by the objections recorded in the Appendix-Recapitulation filed in conjunction with this Objector's Petition and incorporated herein.

11. The Appendix-Recapitulation filed in conjunction with this Objector's Petition is incorporated herein, and the objections made therein are a part of this Objector's Petition.

WHEREFORE, the Objector requests: a) a hearing on the objections set forth herein; b) an examination by the aforesaid Electoral Board of the official records relating to voters in the State of Illinois, to the extent that such examination is pertinent to any of the matters alleged herein; c) a ruling that the Nomination Papers are insufficient in law and fact, and d) a ruling that the names of Scott Summers, Bobby L. Pritchett, Jr., Omar Lopez, Sheldon Schafer, David Black, Julie Samuels, and Tim Curtin shall not appear and not be printed on the ballot for election to the offices of Governor, Lieutenant Governor, United State Senator, Secretary of State, Attorney General, Treasurer, and Comptroller of the State of Illinois, to be voted for at the General Election to be held November 4, 2014.



OBJECTOR

Address:

Karen Yarbrough
217 S. 2nd Ave.
Maywood, IL 60153

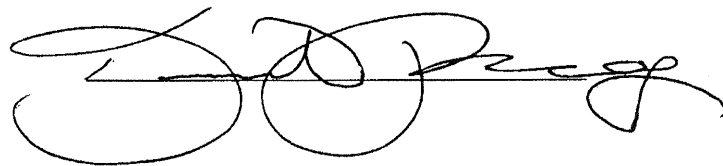
VERIFICATION

STATE OF ILLINOIS

COUNTY OF Cook

)
) SS.
)

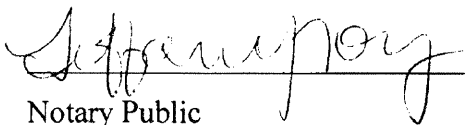
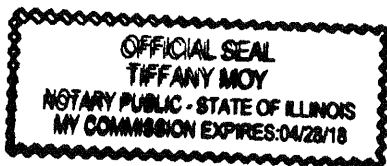
I, Karen Yarbrough, being first duly sworn upon oath, depose and state that I have read the above and foregoing OBJECTOR'S PETITION, and that the matters and facts contained therein are true and correct to the best of my knowledge and belief.



Subscribed and sworn to before me

By Karen Yarbrough

this 3rd day of June, 2014.


Notary Public

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO
NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO THE
OFFICE OF STATE SENATOR FOR THE 39th
LEGISLATIVE DISTRICT OF THE STATE OF ILLINOIS

Hope E. Allen,)
)
Petitioner-Objector,)
)
v.)
)
Bruce Samuels,)
)
Respondent-Candidate.)

CHICAGO
2014 JUN 30 PM 3:29
STATE BOARD OF ELECTIONS

OBJECTOR'S PETITION

INTRODUCTION

Hope E. Allen, hereinafter sometimes referred to as the Objector, states as follows:

1. The Objector resides at 2002 N. 19th Ave., Unit 4B, Melrose Park, Illinois, Zip Code 60160, in the 39th Legislative District of the State of Illinois, and is a duly qualified, legal and registered voter at that address.
2. The Objector's interest in filing this Petition is that of a voter desirous that the laws governing the filing of nomination papers for the office of State Senator for the 39th Legislative District of the State of Illinois are properly complied with, and that only qualified candidates appear on the ballot for said office.

OBJECTIONS

3. The Objector makes the following objections to the purported nomination papers ("Nomination Papers") of Bruce Samuels as a candidate for the office of State Senator for the 39th Legislative District of the State of Illinois ("Office") to be voted for at the General Election on November 4, 2014 ("Election"). The Objector states that the Nomination Papers are insufficient in fact and law for the following reasons:
4. Pursuant to State law, nomination papers of an independent candidate (or a new political party candidate) for the Office to be voted for at the Election must contain the signatures of not fewer than 3,864 duly qualified, registered and legal voters of the 39th Legislative District of the State of Illinois collected in the manner prescribed by law. In addition, nomination papers must truthfully allege the qualifications of the candidate, be gathered and presented in the manner provided for in the Illinois Election Code, and otherwise executed in the form provided by law.

5. The Candidate's Nomination Papers are invalid in their entirety because the Candidate's Nomination Papers contain do not contain, on their face, a sufficient number of signatures to qualify for the ballot. Assuming each and every signature contained within the Candidate's Nomination Papers is valid, the Candidate's Nomination Papers would still be hundreds of signatures short of the statutory minimum number necessary to qualify for the ballot.

6. The Candidate's Nomination Papers contain no more than 169 signatures, and assuming each and every one of those signatures is valid, the Candidate's Nomination Papers are nonetheless invalid in their entirety.

WHEREFORE, the Objector requests: a) a hearing on the objections set forth herein; b) an examination by the aforesaid Electoral Board of the official records relating to voters in the 39th Legislative District, to the extent that such examination is pertinent to any of the matters alleged herein; c) a ruling that the Nomination Papers are insufficient in law and fact, and d) a ruling that the name of Bruce Samuels shall not appear and not be printed on the ballot for election to the office of State Senator of the 39th Legislative District of the State of Illinois, to be voted for at the General Election to be held November 4, 2014.


OBJECTOR

Address:

Hope E. Allen
2002 N. 19th Ave., Unit 4B
Melrose Park, IL 60160

VERIFICATION

STATE OF ILLINOIS

COUNTY OF COOK

)
) SS.
)

I, Hope E. Allen, being first duly sworn upon oath, depose and state that I have read the above and foregoing OBJECTOR'S PETITION, and that the matters and facts contained therein are true and correct to the best of my knowledge and belief.

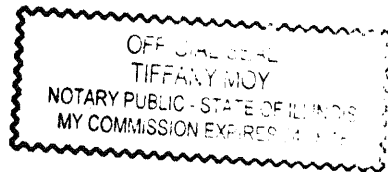
Hope E Allen

Subscribed and sworn to before me

By Hope E. Allen

this 2nd day of June, 2014.

Tiffany Moy
Notary Public



BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO NOMINATION
PAPERS OF CANDIDATES FOR ELECTION TO OFFICE IN THE STATE OF ILLINOIS

KAREN YARBROUGH,)	
)	
Petitioner/Objector,)	
)	
v.	)	No. 2014-SOEB GE 516
)	
SCOTT SUMMERS, BOBBY L. PRITCHETT,)	
OMAR LOPEZ, SHELDON SCHAFER,)	
DAVID BLACK, JULIE SAMUELS, and)	
TIM CURTIN,)	
)	
Respondents/Candidates.)	

**CANDIDATE'S RENEWED RULE 9 MOTION &
RENEWED OBJECTIONS TO "RECORDS EXAMINATION"**

Now come the Green Party Candidates for Statewide Office, Scott Summers for Governor, Bobby L. Pritchett for Attorney General, Omar Lopez for United States Senate, Sheldon Schafer for Secretary of State, David Black for Attorney General, Julie Samuels for Treasurer, and Tim Curtin for Comptroller (hereinafter "Candidates"), and file their renewed Rule 9 motion and objections to the SOEB's "records examination," seeking to strike and bar the SOEB's "Excel" spreadsheet purported to be a "records examination" results, and further state as follows.

A. Candidates Incorporate Prior Rule 9 Motion and Objections herein.

Nothing significant has changed to rectify the concerns raised in Candidates' original Rule 9 motion and objections. Candidates are similarly being disregarded, and written off, as before. Neither the "neutral" SOEB, nor the statutorily limited ISBE, nor the Objector, Mrs. Yarbrough as the Democrat party's motivated objector (all seemingly marching in unison, in a well-choreographed lockstep), have offered any meaningful, authentic, reliable evidence. Instead, Mrs. Yarbrough seeks to eliminate from the voters the choice of voting upon a "new" political party which seeks to compete with Mrs. Yarbrough's party, and thereby, disenfranchise the almost 30,000 people who signed signature petitions desiring to form such a "new" political party. Mrs. Yarbrough has not added to her objector's petition, and cannot expand her objector's petition, either.

Not only is Mrs. Yarbrough relying upon the SOEB creating evidence, but she is also relying

upon the SOEB admitting its own evidence, to prove up Mrs. Yarbrough's case (in her complete absence from all SOEB proceedings), and in the absence of any witness capable of establishing the foundation, and authenticating the "Excel" spreadsheet, which everyone (except Candidates), accepts without question, for the truth of the matter asserted therein. Illinois Rules of Evidence, even loosely applied, command a far greater level of proof for the admission of evidence, and still prohibit hearsay within hearsay documents.

As such, Candidates repeat and reassert all of the arguments in their Rule 9 Motion and Objections to "Records Examination" filed on August 4, 2014, as if fully stated herein.

B. SOEB Failed to Provide Even the Most Minimal Level of Due Process Afforded in Its Rules.

The SOEB Rules and Procedures provide that the SOEB will assign staff to review the ISBE's database, and the SOEB's "*staff shall, based upon their examination of the relevant registration records, make and announce a finding as to whether certain objections in the objector's petition are sustained or overruled.*"

The SOEB's Rules use two abbreviations - "Board" to refer to the State Officers Electoral Board ("or SOEB" as identified by Candidates), and "SBE" to refer to the State Board of Elections (or "ISBE" as identified by Candidates). The SOEB and ISBE, however, make no distinctions, or even acknowledge the source of their authority to so undertake a "records examination," using ISBE (or other unknown) employees/agents charged with the task of reviewing voter signatures, that were sworn to under oath by a circulator who signature was further notarized on each and every page. No similar level of evidentiary proof is being provided by either the SOEB, the ISBE, or Mrs. Yarbrough, the objector herein.

First of all, the SOEB does not have staff, other than the hearing examiner that was selected by the ISBE's general counsel and designated as such by the SOEB at its initial meeting. It is unclear who, exactly, undertook the review on behalf of the SOEB, as its "staff," or when each sheet was reviewed, or who it was, that documented the supposed "staff" rulings. No documents were provided to Candidates to answer the foregoing questions, since the "Excel" spreadsheet, and the "recap sheets" from Sue Klos were not verified, certified, or affirmed, under oath, in front of a notary public.

Second, the SOEB did not examine "relevant registration records" but rather, examined the

ISBE's database, which as previously discussed, is rank hearsay, without foundation or authentication, or even so much as a witness to authenticate the process, subject to cross examination. Further, there is no quality control upon the ISBE database, which contains electronic data provided from various election authorities, uploaded to the ISBE on a frequent basis. See ISBE's response to FOIA request, attached.

Fourth, the SOEB has failed to follow its own Rule 9 regarding "records examination" procedures. Initially, as raised in Candidates' Rule 9 Motion filed on August 4, 2014 the SOEB failed to provide to Candidates' counsel copies of the SOEB's "staff" rulings on a line by line basis, in timely manner. After the evidentiary hearing scheduled for August 5, 2014, the Deputy General Counsel for the ISBE emailed color copies of over 3,100 "recap sheets" showing red ink handwriting, that was not present upon any prior documents emailed to Candidates' counsel. There was no explanation, verification, affirmation, or other affidavit provided to identify the "recap sheets" or explain the content thereof.

Fifth, the SOEB failed to provide a computer generated printout showing line-by-line rulings, as required by the Rules that the SOEB created and implemented. Specifically, the SOEB Rule 9 (at page 6) provides that:

Following the records examination, copies of the sheets containing the staff rulings shall be proofread for accuracy by Board staff and the rulings thereon shall be used to create a line by line computer generated printout of the results of the records examination. The said printout shall be sent via email or facsimile to the parties or their counsel. The printout shall be sent at the same date and time and the time and such date and time shall serve as the commencement of the three (3) business day time period (aka the Rule 9 Motion Period) described below. Copies (via electronic medium or hard copy) of the recapitulation sheets containing staff ruling will not be made available to the respective parties until noon on the next business day **at the earliest.** (*Emphasis in original.*)

The SOEB has had multiple opportunities to provide line-by-line rulings as required by the SOEB's own Rule 9, which also specifically delays the production of recap sheets.

Despite repeated requests from Candidates' counsel, the SOEB (and the ISBE), have on multiple occasions, failed and refused to do the work that they themselves agreed to do. The SOEB has not proofread the "rulings" for accuracy, and did not "**create a line by line computer generated printout of the results of the records examination.**" The SOEB wrote its own rules, and presumably, knew the contents of those Rules. Though the SOEB has no hesitation to use the Rules to bar a candidate or

objector, who do not promptly comply within the short deadlines (i.e. a “zero tolerance” approach), the SOEB itself refuses to adhere to its own Rules (i.e., a “zero accountability” approach).

Perhaps the SOEB did not anticipate the added burden of manually reviewing cryptic notations, upon sheets of paper for signature petitions containing over 25,000 signatures (written by anonymous individuals, who did not verify or attest to the contents, on par with the anonymous, unverified “appendix recapitulation” sheets provided by Mrs. Yarbrough). If the SOEB, with the financial resources of the State of Illinois backing it up, is unable to create and provide to Candidates a proof-read, line-by-line computer generated printout of the results, how can Candidates' be expected to (a) double check for accuracy, (b) create such a line-by-line computer generated printout, or (c) rehabilitate any signatures? It is ludicrous for the SOEB to expect Candidates to go back and do the work that the SOEB undertook on its own behalf, as a witness in the Mrs. Yarbrough's objection against the Candidates.

Although Candidates counsel attempted to create a list of line by line objections, in order to issue subpoenas to election authorities in the State, such a task was virtually impossible, given the same three day time constraint. Unequivocally, this task is not possible for a “new” party, without a team of patronage workers located throughout the state, to immediately take leaves of absences from their employment, and devote the better part of three days to identify sustained objections on a county-by-county basis, and hand delivery subpoenas to election clerks. Even so, it is hardly realistic to believe that election authorities throughout the State could, and would, respond with certified voter registration documents, within the allotted three day time period. Other states, such as Colorado, allow a thirty day time period to gather more signatures.

Compounding the difficulty of “rehabilitating” signatures (despite the lack of credible evidence), is the SOEB's failure to follow its own Rule 9, and provide a proof-read for accuracy, computer generated printout of each ruling, on a line-by-line basis. The General Counsel's suggestion that Candidates go through over 3,100 “recap sheets” and compare them to over 3,100 signature petition sheets, in order to create a line-by-line listing of rulings is not the least restrictive means, where the SOEB's own Rule 9, define a less restrictive method (i.e., the SOEB does this work).

C. The Double Standard.

The SOEB is created in order to review and decide upon the merits of Mrs. Yarbrough's objector's petition. Yet, the SOEB is at the same time, creating, introducing, and relying upon evidence to support Mrs. Yarbrough's allegations. Such is the “legal fiction” that is created by the SOEB's Rules & Procedures, which Candidates challenge as violating their right to fundamental fairness and due process.

The ISBE and SOEB (a) derive their authority from the Election Code, and (b) are obligated to be neutral and impartial. "As an administrative agency established by statute, an electoral board may exercise only the powers conferred upon it by the legislature." *Kozel v. State Board of Elections*, 126 Ill.2d 58, 68, 533 N.E.2d 796 (1988). See also, *Geer v. Kadera*, 173 Ill.2d 398, 407, 671 N.E.2d 692 (1996); 10 ILCS 5/10-9 (West 2006) (designating electoral boards "for the purpose of hearing and passing upon the objector's petition").

As Candidates have pointed out, the ISBE is restricted to only those tasks and powers which are defined in the Election Code, which does not authorize the ISBE to: (a) review a signature petition for a “new” political party, or (b) create evidence or testify through ISBE employees, regarding a “records examination.” See original Rule 9 motion, discussing Election Code and ISBE powers.

Similarly, the powers and duties of an electoral board are defined in 10 ILCS 5/10-10. The role of an electoral board was discussed in by the *Allord* court, which explained the role as follows:

The electoral board is a neutral decision maker; it is made a party [to a petition for judicial review] so that the court can require it to deliver up its record for review and to require it to follow the court's orders once rendered. The electoral board does not have a substantive interest affected.

Allord v. Municipal Officers Electoral Board, 288 Ill. App.3d 897, 900, 682 N.E.2d 125 (1997).

The SOEB's Rules and procedure, as discussed by Candidates, have so deviated from the origins of a “records examination” (also known as a “binder check”) as to be an entirely new process. At a time past, the “records examination” process would review original voter registration documents, and voter histories. Such is not the case now, before the SOEB, which maintains control over *no* original voter registration records. It is a glaring double standard that neither the SOEB, nor the ISBE, nor Mrs. Yarbrough, have once acknowledged, or even addressed Candidates' evidentiary issues.

As the administrative “agency” charged with ruling upon objections to nomination petitions, the SOEB is supposed to be the “neutral” decision-maker. As in the circuit court, it would be highly suspect, to say the least, for the neutral decision maker to create evidence to be used in the proceeding, and then to introduce such evidence into the record (while overruling objections to admission by a party), and then rely upon such evidence in its decision. This may as well be the King's Court from the middle ages.

Adding to the absurdity of the SOEB sitting as both “neutral” decision maker, and as evidence-creator and as witness in its own proceeding, is the fact that the objector here, offers no credible evidence in support of her objector's petition. That is, Mrs. Yarbrough has not provided verified, sworn affidavits contesting the signatures -each of her “recap” sheets was prepared by an anonymous patronage worker, since Mrs. Yarbrough was presumed to have been working full time as the Recorder of Deeds, and would not undertake political activity while on the public payroll. She did not review any documents herself.

On one hand, the Candidates are expected to go to extreme lengths to gather 25,000 signatures within a 90 day time period, and have each sheet sworn to under oath by each circulator, who is also required to appear before a notary public to so make such an attestation. In addition, each Candidate must also submit a statement of candidacy, containing a sworn oath, which is notarized as well.

No similar requirement is imposed upon Mrs. Yarbrough's objection. She is not required to file a verified objector's petition, nor is she offering verified, under oath affidavits from her (or the Speaker's) cloaked patronage workers that supposedly reviewed Candidates' nomination papers. Unequivocally, the SOEB's “records examination” process is skewed heavily in favor of objectors, both in terms of the “fully stating the nature of the objection” and gracious leniency in terms of evidence, that is created and provided by the SOEB.

The double standard of evidence exposes the “legal fiction” that the SOEB expects everyone to not only accept on one hand, yet on the other, make no mention that the emperor has no clothes – that is, that truly, there is no credible evidence before the SOEB.

D. Open Meetings Act Violation by SOEB.

Electoral Boards are public bodies, and are subject to the provisions of the Illinois Open Meetings Act, 5 ILCS 120/1, et seq., as confirmed by the First District Appellate Court, in its decision *Bernadette*

Lawrence v. Kenneth Williams, et al., 2013 ILApp (1st) 130757 (April 9, 2013). The Illinois Open Meetings Act also allows a party that substantially prevails to recover its attorney's fees and costs, 5 ILCS 120/3(d).

The SOEB did not continuously post its agenda, and the SOEB rules, for 48 hours prior to its meeting on July 14, 2014. As such, the SOEB violated the Open Meetings Act by holding a meeting without 48 hours continuous notice.

In addition, the SOEB did not list public participation on the agenda for the July 14, 2014 meeting, or allow public comment at the July 14, 2014 meeting. Candidates would have asserted that the Rules proposed by the SOEB were violative of their due process rights, and imposed unrealistic and impossible burdens on their rights to ballot access, and the associational rights of all voters who signed their petition sheets desirous of forming a “new” political party.

The Open Meetings Act violations are in addition to the cumulative effects of the SOEB's refusal and failure to provide a line-by-line listing of its rulings, in a proof-read, computer-generated printout, as well as failure to rule upon and address Candidates' pending motions.

As such, Candidates respectfully request that Objector, Karen Yarbrough's, objection be overruled, and Candidates' names be printed upon the ballot.

WHEREFORE, Candidates, through counsel, respectfully request that the “Excel” spreadsheet, “recap sheets” and all any evidence from Karen Yarbrough, be barred from admission into the record before the SOEB, and for any other such relief in favor of Candidates that is just and equitable to address the procedural due process violations and failure of Objector to meet her burden of proof, including overruling of Objector's petition.

Respectfully submitted:

By:


Attorney for Objector

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Certificate of Filing and Service

The undersigned, an attorney, certifies that he filed and served (via email) upon opposing counsel, Mike Kasper and Brett Bender, and the State Officers Electoral Board c/o: Steve Sandvoss, general counsel, a copy of the *Candidates' Renewed Rule 9 Motion* on August 11, 2014.

By:



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Compton v. Shepherd
14 SOEB GE 518

Candidate: Gary Shepherd

Office: 115th Representative

Party: Green

Objector: Gerald Compton

Attorney for Objector: Michael Kasper/Bret Bender

Attorney for Candidate: Andrew Finko

Number of Signatures Required: 2407

Number of Signatures Submitted: 1806

Number of Signatures Objected to:

Basis of Objection: Candidate failed to submit a sufficient number of valid signatures.

Dispositive Motions: Candidate filed a Motion to Strike and Dismiss and Objector filed a Response thereto.

Binder Check Necessary: No

Hearing Officer: David Herman

Hearing Officer Findings and Recommendation: Based on the failure to file a sufficient amount of valid signatures, the recommendation is to sustain the objection and not certify the Candidate for the 2014 General Election ballot. In addition, the Candidate's Constitutional arguments should not be addressed by the State Officer's Electoral Board on the basis that the Board lacks the authority to consider such challenges.

Recommendation of the General Counsel: I concur with the recommendation of the Hearing Officer.

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO
NOMINATION PAPERS FOR CANDIDATES FOR ELECTION TO THE
OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY FROM
THE 115th REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS**

Gerald Compton,)	
)	
Petitioner-Objector,)	
)	
v.	)	File No. 14 SOEB GE 518
)	
Gary Shepherd,)	
)	
Respondent-Candidate.)	

RECOMMENDATION OF HEARING EXAMINER

This matter coming on for recommendation on the Verified Objection in this matter and the Hearing Examiner states as follows:

PROCEDURAL HISTORY

This matter commenced on June 30, 2014 when Gerald Compton filed an “Objector’s Petition” with the State Board of Elections. Compton (hereinafter “Objector”) alleged that the nomination papers of Gary Shepherd as a candidate for the Office of Representative in the General Assembly from the 115th Representative District of the State of Illinois (hereinafter “Candidate”) were insufficient in that they were not in conformance with certain provisions of the Illinois Election Code. Specifically, the Objector alleged that the nomination papers, on their face, contain no more than 1800 signatures, which is less than the statutorily required minimum 2,407 signatures required for a candidate in the 115th Representative District.

On July 10, 2014, Candidate submitted his Motion to Strike and Dismiss the Petition stating that the Objector has misstated the amount of signatures required, not fully stated the nature of the objection and has overstated the number of signatures required. Candidate also argues that he has “substantially complied” with the submitting the required number of signatures. Candidate does not set forth any facts, law or argument to support these assertions. Rather, Candidate’s filing focuses on alleged violations of the Illinois and U.S Constitutions. Candidate asserts that he is protected by due process and equal protection in forming a new political party and seeking supporters’ nomination as a candidate for elected office. Candidate also argues that the signature requirement is a violation of the Candidate’s and voters’ constitutional rights, that undue limitations on formation of a new political party is a violation of the First Amendment of the U.S. Constitution, and states that the Candidate has substantially complied with all requirements of all applicable Constitutional provisions and relevant provisions of the Election Code.

On July 11, 2014, the Objector, through his legal counsel, indicated that the parties were unable to reach an agreement to stipulate as to the (1) the total number of signatures required by law to appear on the ballot as a candidate for the office being sought, and (2) the number of signatures submitted by the Candidate in this matter.

On July 11, 2014, Objector submitted his Response to Motion to Strike and Dismiss in which he argues that the Candidate does not dispute that he has failed to comply with the signature requirements and that constitutional arguments regarding Election Code provisions regulating ballot access by new parties and independent candidates have been repeatedly upheld. Lastly, the Objector states that the Electoral Board may not consider such constitutional challenges.

On July 11, 2014, via email, Candidate asserted that the State Board miscalculated the number of signatures required as set forth in the candidates guide.

No hearing was held on this matter.

ANALYSIS

Pursuant to the Illinois Election Code, 10 ILCS 5 et. seq., the statutorily required minimum signatures required to be placed on the ballot as a candidate for the 115th Representative District of the State of Illinois is 2,407. A review of the Candidate's nomination papers shows that Candidate submitted 1806 signatures. The Candidate's nomination papers do not contain the statutorily required minimum number of signatures to be placed on the ballot.

Candidate alleged in his Motion to Strike and Dismiss that the Objection filed is in violation of his rights afforded by the U.S. Constitution.¹ As a creature of statute, the Board possesses only those powers conferred upon it by law. Any power or authority it exercises must find its source within the law pursuant to which it was created." Bryant v. Board of Election Commissioners of the City of Chicago, 224 Ill. 2d 473, 476 (2007). "The Electoral Board's authority to do anything must either 'arise from the express language of the statute' or 'devolve by fair implication and intentment from the express provisions of the [statute] as an incident to achieving the objectives for which the [agency] was created.'" Nader v. Illinois State Board of Elections, 2004 Ill. App. LEXIS 1277, *19 (1st Dist. 2004), *citing* Vuagniaux v. Department of Professional Regulation, 208 Ill. 2d 173, 188 (2003).

The Illinois Supreme Court has noted "an election board's scope of inquiry with respect to objections to nomination papers is limited to ascertaining whether those papers comply with the provisions of the Election Code governing such papers." Bryant, at 476. "[E]lection boards are not entitled to assess the constitutionality of Election Code requirements when considering objections to nominating papers. . . ." Goodman v. Ward, 241 Ill.2d 398, 411, 948 N.E.2d 580,

¹ The Illinois Supreme Court has reaffirmed its support for raising constitutional issues before an administrative agency in Board of Education, Joliet Township High School District No. 204 v. Board of Education, Lincoln Way Community High School District No. 210, where it noted: "Ordinarily, any issue that is not raised before the administrative agency, even constitutional issues that the agency lacks the authority to decide, will be forfeited by the party failing to raise the issue." 231 Ill. 2d 184, 205 (2008).


589 (2011). Administrative agencies have no authority to declare statutes unconstitutional or even to question their validity. Id.

CONCLUSION

Because Candidate has **NOT** met the minimum signature requirement set forth in the Election Code, the Hearing Examiner recommends that Candidate's name **NOT** be placed on the ballot as a candidate for the Office of Representative in the General Assembly from the 115th Representative District of the State of Illinois in the General Election to be held on November 4, 2014.

Hearing Examiner further recommends that the Candidate's and Objector's constitutional arguments contained in their respective filing and arguments contained in the records should not be considered as this Hearing Examiner and the Electoral Board are without authority to consider such challenges under current Illinois law.

DATED: July 28, 2014



David A. Herman, Hearing Examiner

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OBJECTIONS TO NOMINATION PAPERS FOR
CANDIDATES SEEKING ELECTION AT THE NOVEMBER 4, 2014 GENERAL ELECTION

GERALD COMPTON,)	
)	
)	
v.	)	No. 14-SOEB-GE-518
)	
GARY SHEPHERD,)	
)	
Candidates.)	

Motion to Strike and Dismiss

Candidate, GARY SHEPHERD, moves to strike and dismiss Objector's petition, for the following reasons.

Objector has not fully stated the nature of the objection, and has misstated the amount of signatures required. Specifically, Objector has overstated the number of signatures required. Candidate has substantially complied with Election Code's 5% requirement of voters from the last election, and submitted a sufficient number of signatures.

The Illinois Constitution, Art. I, Section 2, Due Process and Equal Protection, provides that “*No person shall be deprived of life, liberty or property, without due process of law nor be denied equal protection of the law.*” Candidate has a first amendment right to form a new political party and seek supporters' nomination as a candidate for elected office. Similarly, each of the voters who has signed Candidate's petitions similarly has a first amendment right to form a political party and nominate the candidate of their choice.

It is not the State Officers Electoral Board's role to follow orders from political parties, or their leaders, who act through the pretense of an Objector's petition, as if they are somehow neutral. “The very purpose of the First Amendment is to foreclose public authority from assuming a guardianship of the public mind In this field every person must be his own watchman for truth, because the forefathers did not trust any government to separate the true from the false for us.” *Thomas v. Collins*, 323 U. S. 516, 545 (1945) (Jackson, J., concurring).

"[L]egislative restrictions on advocacy of the election or defeat of political candidates are wholly at odds with the guarantees of the First Amendment." *Buckley v. Valeo*, 424 U. S., at 50. The U.S. Supreme Court, in *Buckley v. Valeo*, expounded on equal protection concerns and state restrictions upon qualifications of candidates, excerpted as follows:

Equal protection analysis in the Fifth Amendment area is the same as that under the Fourteenth Amendment. *Weinberger v. Wiesenfeld*, 420 U.S. 636, 638 n.2 (1975), and cases cited. In several situations concerning the electoral process, the principle has been developed that restrictions on access to the electoral process must survive exacting scrutiny. The restriction can be sustained only if it furthers a "vital" governmental interest, *American Party of Texas v. White*, 415 U.S. 767, 780-781 (1974), that is "achieved by a means that does not unfairly or unnecessarily burden either a minority party's or an individual candidate's equally important interest in the continued availability of political opportunity." *Lubin v. Panish*, 415 U.S. 709, 716 (1974). See *American Party of Texas v. White*, *supra*, at 780; *Storer v. Brown*, 415 U.S. 724, 729-730 (1974). These cases, however, dealt primarily with state laws requiring a candidate to satisfy certain requirements in order to have his name appear on the ballot. These were, of course, direct burdens not only on the candidate's ability to run for office but also on the voter's ability to voice preferences regarding representative government and contemporary issues.

Buckley v. Valeo, 424 U.S. 1, 93-94, 96 S.Ct. 612 (1976).

D. Cumulative Legislatively Created Burdens on New Parties violates the Constitution.

The cumulative effect of the burdens placed upon new parties, including the 5% signature requirement, within 90 days, attested to under oath before a notary public, and despite decennial redistricting that eliminates all growth of an aspiring political party, unconstitutionally burdens Candidate's constitutional rights, and the rights of all voters who signed petitions desiring to form a new political party.

(1) Candidate's Rights Violated.

It is well-settled that Illinois Courts recognize a strong policy interest in favor of ballot access. The public policy of this state is to provide legitimate candidates for office with access to the ballot, and therefore the citizenry an enhanced ability to participate. *Wisnasky-Bettorf v. Pierce*, 2012 IL 111253; *Hossfeld v. Illinois State Board of Elections*, 398 Ill.App.3d737 (2010). Courts view the right of citizens to run for and hold political offices a valuable one. *McGuire v. Nogaj*, 146 Ill.App.3d 280 (1st Dist.1986). "Ballot access is a substantial right and not lightly to be denied." *Reyes v. Bloomingdale Township Electoral Board*, 265 Ill.App.3d 69, 71, 638 N.E.2d 782 (2nd Dist.1994), citing *Welch v. Johnson*, 147 Ill.2d 40, 56, 588 N.E.2d 1119 (1992).

As the Illinois Supreme Court cautioned in *Lucas v. Lakin*, 175 Ill.2d 166, 676 N.E.2d 637(1997), "[w]e are mindful of the need to tread cautiously when construing statutory language which restricts the people's right to endorse and nominate the candidate of their choice." The exercise of this right is not to be prohibited or curtailed except by plain provisions of the law, and statutes imposing disqualification should be construed liberally, resolving all doubts in favor of the Candidate's eligibility. *Id.* At 282; *McNamara v. Oak Lawn Municipal Officers Electoral Board*, 356 Ill.App.3d 961, 827 N.E.2d 996 (1st Dist.2005). Given Illinois' strong policy in favor of ballot access, that statutes imposing disqualification are to be construed liberally, and that all doubts must be resolved in a candidate's favor, there can be no question that the Objector's claims here cannot suffice to disqualify the Candidates in this case.

The right to seek office, as a member of a political party, is protected speech, and any government entity has a heavy burden to justify the restriction on such political speech by showing not only that the limitation achieves a compelling state interest, but also that the limitation is no broader in scope than is necessary to achieve that purpose. See, e.g., *Buckley v. Am. Constitutional Law Found.*, 525 U.S.182 (1999); *Krislov v. Rednour et al.*, 226 F.3d 851 (7th Cir. 2000). In the context of the First Amendment, the Court must be vigilant to guard against undue hindrances to political association and the exchange of ideas. *Buckley*, 525 U.S. at 192; *Eu v. San Francisco County Democratic Cent. Comm.*, 489 U.S. 214, 224 (1989).

To the extent this Electoral Board may interpret the Election Code to prevent the Candidate from access to the ballot under these facts, the Electoral Board will have violated the constitutional rights of not only the named Candidates, but also the constitutional rights of almost voters to form a new political party and nominate the candidates of their choice. For example, the legislature's requirement that each sheet be notarized imposes a significant burden (that is cumulative with other burdens), and is not the least drastic method to achieve their ends, as required. The Illinois Code of Civil Procedure, Section 1-109 (735 ILCS 5/1-109), allows verification under penalty of perjury, without requiring a person to appear before a notary public, and this procedure is acceptable for all court purposes, including affidavits filed in judicial proceedings.

Another example is the 5% signature requirement, which in realistic/practical terms equates to well over 3,000 signatures, likely closer to 5,000, when the Board relaxed standards for Section 10-8 objections are taken into consideration. Any nearly anonymous person, appearing through an attorney, but never being required to

actually testify, or offer evidence in support of the objection petition (even at an evidentiary hearing), can file an objection, with little to no supporting factual basis, or penalties for frivolous objections (as the Board often points out, it is without authority). This double standard has proven to be a significant burden on the electoral board, when a considerably larger ratio of objections are filed to the number of candidates (there are many times two objections to a single candidate).

The U.S. Supreme Court has repeatedly recognized that "debate on the qualifications of candidates [is] integral to the operation of the system of government established by our Constitution." *Buckley v. Valeo*, 424 U.S. 1, 14, 96 S. Ct. 612, 632 (1976). Indeed, the First Amendment "has its fullest and most urgent application" to speech uttered during a campaign for political office. *Monitor Patriot Co. v. Roy*, 401 U.S. 265, 272, 91 S. Ct. 621, 625 (1971). This is because the "election campaign is a means of disseminating ideas as well as attaining political office." *Illinois Bd. of Elections v. Socialist Workers Party*, 440 U.S. 173, 184-186, 99 S. Ct. 983, 990-991 (1979). Undue limitations on formation of a new political party directly hampers the ability of voters to organize and spread a new message and hamstrings voters seeking to inform themselves about the new party, its candidates and the campaign issues. See, e.g., *Eu v. San Francisco County Democratic Central Committee*, 489 U.S. 214, 222, 109 S. Ct. 1013 (1989).

Accordingly, a "highly paternalistic approach" limiting what people may hear is generally suspect, *Virginia State Bd. of Pharmacy v. Virginia Citizens Consumer Council, Inc.*, 425 U.S. 748, 770, 96 S.Ct. 1817 (1976). Here, Objector Karen Yarbrough, and the Democratic Party she represents, are seeking to suppress and restrict choices on the ballot, and stymie public discourse, or alternative messages for saving the State from financial ruin, brought about through widespread nepotism, cronyism and self-dealing.

It is therefore the Objector's burden to demonstrate that invocation of the rule relied on in this case advances a compelling state interest. *Eu v. San Francisco County Democratic Central Committee*, 489 U.S. 214, 222, 109 S.Ct. 1013 (1989). There is clearly no concern about ballot overcrowding, or candidates who have not shown the requisite modicum of support.

Objector cannot advance a credible argument in this case that removal of Candidate from the ballot, based upon the defects of which she complains, somehow advances any compelling state interest. On the contrary, Objector is seeking to suppress discourse, suppress Green Party candidates, and deny voters the choice of more

than one or two candidates.

(2) Voters rights to form a new political party violated.

Similarly, the right of citizens to form a political party is a fundamental right of the First Amendment. “Representative democracy in any populous unit of governance is unimaginable without the ability of citizens to band together in promoting among the electorate candidates who espouse their political views. . . . Consistent with this tradition, the Court has recognized that the First Amendment protects ‘the freedom to join together in furtherance of common political beliefs.’” *California Democratic Party v. Jones*, 530 U.S. 567, 574, 120 S. Ct. 2402 (2000), citing *Tashjian v. Republican Party of Conn.*, 479 U.S. 208, 214-215, 107 S. Ct. 544 (1986). Accordingly, “[r]estrictions upon the access of political parties to the ballot impinge upon the rights of individuals to associate for political purposes, as well as the rights of qualified voters to cast their votes effectively, and may not survive scrutiny under the First and Fourteenth Amendments.” *Munro v. Socialist Workers Party*, 479 U.S. 189, 193, 107 S. Ct. 533 (1986), citing *Williams v. Rhodes*, 393 U.S. 23, 30, 89 S. Ct. 5, 10 (1968).

To be sure, “[s]tates may condition access to the general election ballot by a minor-party or independent candidate upon a showing of a modicum of support among the potential voters for the office.” *Munro*, 479 U.S. at 193. Thus, courts must engage in a balancing test to weigh the rights of States to condition access to the general election ballot against the rights of citizens to form political parties that can vie for election and the rights of citizens to cast votes effectively for their chosen candidate. As the Supreme Court explained in *Anderson v. Celebrezze*, 460 U.S. 780, 103 S. Ct. 1564 (1983):

Constitutional challenges to specific provisions of a State's election laws therefore cannot be resolved by any ‘litmus-paper test’ that will separate valid from invalid restrictions. Instead, a court must resolve such a challenge by an analytical process that parallels its work in ordinary litigation. It must first consider the character and magnitude of the asserted injury to the rights protected by the First and Fourteenth Amendments that the plaintiff seeks to vindicate. It then must identify and evaluate the precise interests put forward by the State as justifications for the burden imposed by its rule. In passing judgment, the Court must not only determine the legitimacy and strength of each of those interests; it also must consider the extent to which those interests make it necessary to burden the plaintiff's rights. Only after weighing all these factors is the reviewing court in a position to decide whether the challenged provision is unconstitutional.

460 U.S. at 789. (Internal citation omitted.)

Overall, the Court’s “primary concern is with the tendency of ballot access restrictions ‘to limit the field of candidates from which voters might choose.’ Therefore, ‘[i]n approaching candidate restrictions, it is essential to examine in a realistic light the extent and nature of their impact on voters.’” *Anderson*, 460 U.S. at 786. (Internal

citation omitted.) Where, as in the case at bar, “the challenged law burdens the rights of political parties and their members, it can survive constitutional scrutiny only if the State shows that it advances a compelling state interest and is narrowly tailored to serve that interest.” *Eu v. San Francisco County Democratic Cent. Committee*, 489 U.S. 214, 222, 109 S.Ct. 1013 (1989). (Internal citation omitted.)

In other words, strict scrutiny applies. To the degree that a State would thwart “the opportunities of all voters to express their own political preferences” by “limiting the access of new parties to the ballot,” the Court has “called for the demonstration of a corresponding interest sufficiently weighty to justify the limitation.” *Norman v. Reed*, 502 U.S. 279, 288-89, 112 S. Ct. 698 (1992). Further, even where states can show a compelling state interest, they must “adopt the least drastic means to achieve their ends.” *Illinois State Board of Elections v. Socialist Workers Party*, 440 U.S. 173, 185, 99 S. Ct. 983 (1979).

Moreover, allowing Objector's petition to proceed would not serve the purposes of the Election Code, but only serve to deprive Candidates and the new political party they are forming, of their Constitutionally protected rights. A state's broad power to regulate the time, place, and manner of elections "does not extinguish the State's responsibility to observe the limits established by the First Amendment rights of the State's citizens. *Eu v. San Francisco County Democratic Central Committee*, 489 U.S. 214, 222, 109 S.Ct. 1013 (1989). It is well settled that partisan political organizations enjoy freedom of association protected by the First and Fourteenth Amendments. *Id.* Freedom of association means not only that an individual voter has the right to associate with the political party of her choice, but also that a political party has a right to identify the people who constitute the association and to select a "standard bearer who best represents the party's ideologies and preferences. *Id.*

Ballot access laws should be viewed in their totality, not in isolation. *Williams*, 393 U.S. at 34. Considering the total effect of the Election Code, written and consistently modified by the established parties to impose ever greater obstacles on new parties, the combined effect of a five-times higher signature requirement than established parties, collected within a restricted 90 day time, plus the “legal fiction” that has been created by the SOEB to somehow rationalize Section 10-8's ability to file an objection by making bare, and sparse accusations. Nowhere in Section 10-8 is there a requirement that a candidate must submit 2 or 3 times the number of signatures required.

The Election Code provisions, taken as a whole, including the signatures of 5% registered voter

signatures, gathered in a 90 day window, with each sheet requiring circulators to individually appear before a notary public and sign an affidavit that is notarized, and the threat of a blanket, unsupported Section 10-8 conclusory objector's petition, et al., taken together, unduly and impermissibly burden Candidates' constitutional rights.

As such, Candidate has substantially complied with all requirements of all applicable Constitutional provisions, and relevant provisions of the Election Code. Candidate has demonstrated a significant level of support, and filed all necessary nomination papers.

WHEREFORE, Candidates, through counsel, respectfully request entry of an order striking and dismissing Objectors' petition.

Respectfully submitted:

By: 
Attorney for Objector

Vito Mastrangelo
P.O. Box 1253
Mt. Vernon, IL 62864
Tel: (618) 316-9886
Email: VitoAMastrangelo@gmail.com


Andrew Finko P.C.
PO Box 2249
Chicago, IL 60690-2249
Tel: (773) 480-0616
Fax: (773) 453-3266
Email: FinkoLaw@fastmail.FM

Certificate of Filing and Service

The undersigned, an attorney, certifies that he filed and served (via email) upon opposing counsel, Mike Kasper, and the State Officers Electoral Board c/o: Steve Sandvoss, general counsel, a copy of the **Candidates' Motion to Strike and Dismiss**, on July 10, 2014, at or before 5:00 pm.

By: 
Attorney for Objector

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By: 
Attorney for Objector

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BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO
NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO THE
OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE 115th
REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS

Gerald Compton,)	
)	
Petitioner-Objector,)	
)	
v.	)	14 SOEB GE 518
)	
Gary Shepherd,)	
)	
Respondent-Candidate.)	

RESPONSE TO MOTION TO STRIKE AND DISMISS

NOW COMES, Objector, by and through his attorneys, and in response to the Candidate's Motion to Strike and Dismiss, states as follows:

1. The Candidate's Motion asserts that the Objector's Petition should be dismissed for two reasons. First, the Candidates' allege that the Objector's Petition should be dismissed because the Candidate has "substantially complied" with the minimum signature requirement by filing no more than 1800 signatures, where a minimum of 2,407 signatures is required. Second, the Motion alleges that the Illinois statutory provisions governing the creation of new political parties are an unconstitutional burden on his First Amendment rights. The Motion should be denied on both grounds.
2. The Candidate does not dispute that he has failed to comply with the requirements of the Election Code regarding the minimum number of signatures required the Election Code. 10 ILCS 5/10-2; 10-3. A candidate whose nomination papers fail to contain the minimum number required by law may not appear on the ballot. *Bowe v. Board of Election Com'rs of City of Chicago*, 614 F.2d 1147 (C.A. 7, 1980).

7. The Candidates' next argue that the Election Code provisions governing the creation of new political parties impose an unconstitutional burden on the Candidates' First Amendment rights.

8. The Supreme Court has specifically determined that the Electoral Board may not consider such constitutional issues. *Goodman v. Ward*, 241 Ill.2d 398, 411, 948 N.E.2d 580, 589 (2011)(“election boards are not entitled to assess the constitutionality of Election Code requirements”).

9. Moreover, the Candidate's are incorrect in their constitutional arguments because the Election Code provisions regulating ballot access by new parties and independent candidates have repeatedly been upheld in the face of the same allegations the Candidate's make here. *See Nader v. Keith*, 385 F.3d 729 (C.A. 7, 2004); *Jackson v. Ogilvie*, 325 F. Supp. 864 (D.C Ill., 1971).

WHEREFORE, for the foregoing reasons, the Objector respectfully prays that the Motion to Strike and Dismiss be denied.

Respectfully submitted,
Objector

By:  _____

Michael J. Kasper
222 North LaSalle Street, Suite 300
Chicago, Illinois 60601
312.704.3292
312.368.4944 (fax)

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO
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Gerald Compton,)	
)	
Petitioner-Objector,)	
)	
v.)	14 SOEB GE 518
)	
Gary Shepherd,)	
)	
Respondent-Candidate.)	

NOTICE OF FILING

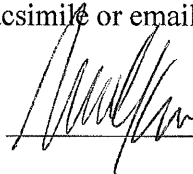
TO: Andrew Finko	Steve Sandvoss
finkolaw@fastmail.fm	ssandvoss@elections.il.gov
David Herman	Bernadette Harrington
dherman@giffinwinning.com	bharrington@elections.il.gov

Please take notice that on Friday, July 11, 2014, I filed with the State Officers Electoral Board the attached Response to the Motion to Strike and Dismiss, a copy of which is hereby served upon you.

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that copies of the attached pleading were served upon the parties referenced above by facsimile or email on Friday, July 11, 2014.

Michael J. Kasper
222 N. LaSalle, Suite 300
Chicago, IL 60601
312.704.3292
312.368.4944 (facsimile)



BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO
NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO THE
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REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS

Gerald Compton,)
)
Petitioner-Objector,)
)
v.)
)
Gary Shepherd,)
)
Respondent-Candidate.)

2014 JUN 30 PM 3:30
STATE CO. CLERK

OBJECTOR'S PETITION

INTRODUCTION

Gerald Compton, hereinafter sometimes referred to as the Objector, states as follows:

1. The Objector resides at 2105 W. Meadow Lane, Carbondale, Illinois, Zip Code 62901, in the 115th Representative District of the State of Illinois, and is a duly qualified, legal and registered voter at that address.
2. The Objector's interest in filing this Petition is that of a voter desirous that the laws governing the filing of nomination papers for the office of Representative in the General Assembly for the 115th Representative District of the State of Illinois are properly complied with, and that only qualified candidates appear on the ballot for said office.

OBJECTIONS

3. The Objector makes the following objections to the purported nomination papers ("Nomination Papers") of Gary Shepherd as a candidate for the office of Representative in the General Assembly for the 115th Representative District of the State of Illinois ("Office") to be voted for at the General Election on November 4, 2014 ("Election"). The Objector states that the Nomination Papers are insufficient in fact and law for the following reasons:
4. Pursuant to State law, nomination papers for the Office to be voted for at the Election must contain the signatures of not fewer than 2,407 duly qualified, registered and legal voters of the 115th Representative District of the State of Illinois collected in the manner prescribed by law. In addition, nomination papers must truthfully allege the qualifications of the candidate, be gathered and presented in the manner provided for in the Illinois Election Code, and otherwise executed in the form provided by law. The Nomination Papers purport to contain the signatures

of in excess of 2,407 such voters, and further purport to have been gathered, presented and executed in the manner provided by the Illinois Election Code.

5. The Candidate's Nomination Papers are invalid in their entirety because the Candidate's Nomination Papers contain do not contain, on their face, a sufficient number of signatures to qualify for the ballot. Assuming each and every signature contained within the Candidate's Nomination Papers is valid, the Candidate's Nomination Papers would still be hundreds of signatures short of the statutory minimum number necessary to qualify for the ballot.

6. The Candidate's Nomination Papers contain no more that 1,800 signatures, and assuming each and every one of those signatures is valid, the Candidate's Nomination Papers are nonetheless invalid in their entirety.

WHEREFORE, the Objector requests: a) a hearing on the objections set forth herein; b) an examination by the aforesaid Electoral Board of the official records relating to voters in the 115th Representative District, to the extent that such examination is pertinent to any of the matters alleged herein; c) a ruling that the Nomination Papers are insufficient in law and fact, and d) a ruling that the name of Gary Shepherd shall not appear and not be printed on the ballot for election to the office of Representative in the General Assembly of the 115th Representative District of the State of Illinois, to be voted for at the General Election to be held November 4, 2014.


OBJECTOR

Address:
Gerald Compton
2105 W. Meadow Lane
Carbondale, IL 62901

VERIFICATION

STATE OF ILLINOIS)
) SS.
COUNTY OF JACKSON)

I, Gerald Compton, being first duly sworn upon oath, depose and state that I have read the above and foregoing OBJECTOR'S PETITION, and that the matters and facts contained therein are true and correct to the best of my knowledge and belief.

Gerald W. Compton

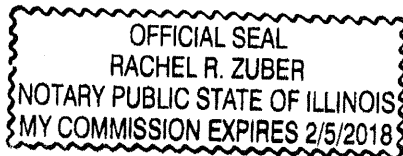
Subscribed and sworn to before me

By Gerald Compton

this 27th day of June, 2014.

Rachel R. Zuber

Notary Public



Flores v. Ward
14 SOEB GE 519

Candidate: Harold “Noonie” Ward

Office: State Representative, 29th District

Party: Independent

Objector: Daniel Flores

Attorney for Objector: Michael Kasper/Bret Bender

Attorney for Candidate: Pro se

Number of Signatures Required: 2574

Number of Signatures Submitted: N/A

Number of Signatures Objected to: N/A

Basis of Objection: The Candidate was not eligible to run as an Independent since he voted the ballot of an established political party (Democrat) in the next preceding General Primary election; March 2014 in violation of Section 7-43 of the Election Code.

Dispositive Motions: Candidate filed a Motion to Strike and Dismiss and the Objector filed a Response thereto.

Binder Check Necessary: No

Hearing Officer: Barbara Goodman

Hearing Officer Findings and Recommendation: The Hearing Officer recommends denying the Motion to Dismiss, as the main thrust of the Motion was to allege that the Objection did not contain the necessary specification upon which to invalidate the nomination papers. Given that the statutory prohibition is clear, and the Objector stated with specificity the facts upon which the objection was based, and supported it with the necessary documentation, the Motion should be denied. The Hearing Officer further recommends sustaining the objection on the merits, since the evidence introduced by the Objector clearly establishes that the Candidate requested and voted a Democratic ballot at the most recent General Primary election (during the early voting period). By doing so, the Candidate was ineligible to file a Statement of Candidacy as an Independent candidate (See Section 7-43 of the Election Code: 10 ILCS 5/7-43]. Though the Candidate testified that he did not vote a Democratic ballot after initially requesting one, (due to his concern regarding eligibility to run as an Independent candidate) the testimony was not corroborated in any way, and did not sufficiently refute the facts set forth in the Objector’s Exhibits; namely, the records from the Chicago Board of Elections showing that the Candidate applied for and voted the Democratic ballot. As such, the objection should be sustained, and the Candidate should not be certified to appear on the March 2014 ballot as an Independent candidate.

Recommendation of the General Counsel: I concur with the recommendation of the Hearing Officer.

BEFORE THE ILLINOIS STATE OFFICERS ELECTORAL BOARD

Daniel Flores)	
)	
Objector)	
	)	14 SOEB GE 519
-v-)	
)	
Harold "Noonie" Ward)	
)	
)	
Candidate)	

HEARING OFFICER'S REPORT AND RECOMMENDED DECISION

This matter was first heard on July 7, 2014. The Objector appeared through counsel Michael Kasper and at a later hearing through Kevin Morphew. The Candidate appeared pro se and a case management conference was conducted via telephone with this hearing officer. Subsequent thereto, the Candidate timely file a Motion to Strike and Dismiss and the Objector filed a Response.

Candidate's motion alleges that the Objection does not contain the necessary specification or attachments to state a basis upon which the nominating papers may be deemed invalid. However, a plain reading of the Objections indicates otherwise. Objector's petition at paragraphs 6 and 7 states:

6. The Candidate voted in the Democratic Party's Primary Election on March 18, 2014, and as a result, he is legally prohibited from running as an Independent candidate in the November 4, 2014 General Election. Section 7-43 of the Illinois Election Code provides:

A person (i) who filed a statement of candidacy for a partisan office as a qualified primary voter of an established political party or (ii) who voted the ballot of an established political party at a general primary election may not file a statement of candidacy as a candidate of a different established political party or as an independent candidate for a partisan office to be filled at the general election immediately following the general primary for which the person filed the statement or voted the ballot.

10 ILCS 5/7-43(f)(emphasis added).

7. As established by the Certified Voter Registration document attached hereto and incorporated herein as Exhibit A, the Candidate voted a Democratic Party primary ballot at the March 18, 2014 Primary Election, thereby making himself subject to the express provisions of Section 7-43.

The Objector's Petition clearly states a legally cognizable basis to invalidate the nominating papers. Accordingly, the Motion to Strike and Dismiss was denied. After the hearing on the Motion to Dismiss, candidate requested additional time to retain counsel and the matter was continued.

A hearing was subsequently held to address the substance of the Objection. Candidate did not retain counsel. Objector presented a certified copy of candidate's voter registration card along with a printout of the Candidate's voting history. (Objector's Exhibit 1). The voting history of the Candidate indicated that with respect to the election date of 3/18/14, Candidate voted in the Democratic Primary through the method of early voting. Objector also presented a certified copy of the Candidate's application for an early voting ballot for said election which was checked in the box designated for the Democratic ballot preference. (Objector's Exhibit 2). Finally, Objector submitted an Early Voting Election Officials Handbook setting forth the procedures for early voting (Objector's Exhibit 3) which were consistent with the procedures adduced through Objector's Exhibits 1 and 2.

In response, Candidate alleged that although he marked an application indicating that he was requesting a Democratic ballot, he really wanted to cast a ballot for the referenda only but that the judges were not conversant with how he would do so. Candidate testified that he asked the judges if voting the referenda would preclude him from participating as a candidate at the general election. According to Candidate, the judges were unsure and he therefore decided not to cast a ballot. In support of his argument, Candidate submitted a copy of the public questions that appeared on the March 18, 2014 primary ballot (Candidate's Exhibit 1). No other witnesses and no other evidence were submitted by Candidate.

Candidate's testimony is simply not supported by the evidence submitted by the Objector. The evidence clearly established that the Candidate requested (Objector's Exhibit 2) and received a Democratic ballot (Objector's Exhibit 1). Moreover, there is no documentary evidence to conclude that the ballot was not voted. Indeed, no evidence of any kind was submitted to establish how the records of the Chicago Board of Election Commissioners could be wrong on the central issue of Candidate's participation in the Democratic Primary. Accordingly, the only conclusion that can be drawn from the evidence submitted is that the Candidate received and cast a ballot in the Democratic Primary. Having done so, the Candidate is prohibited pursuant to Section 7-43 of the Illinois Election Code from running as an Independent candidate at the General Election to be held on November 4, 2014.

CONCLUSION

In light of the foregoing, it is my recommendation that the objections of Daniel Flores to the nominating papers of Harold "Noonie" Ward as an Independent candidate for the office of Representative in the General Assembly for the 29th Representative District be **sustained** and that the nominating papers of Harold "Noonie" Ward as an Independent candidate for the office

of Representative in the General Assembly for the 29th Representative District be deemed **invalid** and that the name of Harold “Noonie” Ward for said office **not be** printed on the ballot at the General Election to be held on November 4, 2014.

Respectfully submitted,

Barbara Goodman /s/

Barbara Goodman, Hearing Officer
8/13/14



Objector's 2

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, LANCE GOUGH, Executive Director of the Board of Election Commissioners for the City of Chicago and keeper of the records and files of said, do hereby certify that the attached record(s) are true and correct copies of the original(s) of: (1) Application for Early Voting Ballot for Harold Noonie Ward, 602 E. 133rd Street, Chicago, Illinois, for the Primary Election, Tuesday, March 18, 2014, and (2) Chicago Board of Election Commissioners' Early Voting Election Officials Handbook, Primary Election, March 3, 2014 to March 15, 2014, that are prepared and/or maintained by the Board in the usual course of business, all of which appears from the records and files of the Board.

IN WITNESS WHEREOF, I have
hereto set my hand and affixed the
seal of said Board at my office in the
City of Chicago this 23rd day of July,
2014.

LANCE GOUGH
Executive Director

OFFICE USE ONLY

CITY OF CHICAGO
APPLICATION FOR EARLY VOTING BALLOT
CERTIFICATE OF REGISTERED VOTERPRIMARY ELECTION
TUESDAY, MARCH 18, 2014

DATE: 3-6-14	Application Number 12
PCT: 15	
WARD: 9	
BL STY: 109R	

SECTION I - TO BE COMPLETED BY VOTER - PLEASE PRINT

Name of Voter: HAROLD NOONIE WARD

Residence Address: 602 E 133rd

Date of Birth: 5-13-62

Check one: ☒ Democratic ☐ Republican
☐ Other ☐ Nonpartisan (if applicable)

Sign this certificate and give it to the election official. After your identity and registration status has been verified, the election official will issue you a voter card to use in the Touchscreen Voting Unit to cast your ballot.

I hereby certify that I am registered from the address above and am qualified to vote. I am casting a ballot during the "Early Voting Period" (15-3 days prior to the Election Day). I understand that if I cast an early ballot that I shall not be permitted to revoke that ballot or vote another ballot with respect to the election.

Under penalties as provided by law pursuant to 10 ILCS 5/29-10, the undersigned certifies that the statements set forth in this application are true and correct.

Harold Noonie Ward
Signature of Voter

SECTION II - ELECTION OFFICIAL COMPLETE THIS SECTION:

Voter Registration
Number

19363 FM

Voter Card
Activation
Number

915001

Check box if the person:

- ☐ Voted by Affidavit/Affirmation
☐ Was Assisted in Voting
☐ Was Challenged
☐ Voted a Provisional Ballot

Registration & Signature verified by:

A.W.
Election Official Initials

Board of Election Commissioners

Lance Gough, Executive Director

Commissioners
 LANGDON D. NEAL
Chairman
 RICHARD A. COWEN
Secretary
 MARISEL A. HERNANDEZ
 LANCE GOUGH
Executive Director



69 WEST WASHINGTON STREET
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 (312)269 - 7900
 FAX (312)263 - 3649
 TTY (312)269 - 0027
 WWW.CHICAGOELECTIONS.COM
 E-mail Address: CBOE@CHICAGOELECTIONS.COM

Changes for 19363FM - HAROLD NOONIE WARD

Field Name	Old Value	New Value	Date
suffix	DR	ST	02/21/2014
house_num	11337	602	02/21/2014
street_name	M L KING JR	133	02/21/2014
zipcode	60628	60627	02/21/2014
street_dir	S	E	02/21/2014
street_code	8005	9923	02/21/2014
voter_status	I	A	02/21/2014
reason_id	P	R	02/21/2014
voter_status2	C		02/21/2014
jurisdictions	46 9 2 173432 5	15 9 2 152932 5	02/21/2014
precinct	46	15	02/21/2014
driver_lic_number		6303-5162-137W	02/21/2014
suffix	AV	DR	04/26/2012
house_num	13074	11337	04/26/2012
street_name	DREXEL	M L KING JR	04/26/2012
zipcode	60627	60628	04/26/2012
street_code	2181	8005	04/26/2012
reason_id	N	U	04/26/2012
jurisdictions	24 9 2 152932 5	46 9 2 173432 5	04/26/2012
precinct	24	46	04/26/2012
in_person_ind	Y	N	03/16/2007

Commissioners
 LANGDON D. NEAL
Chairman
 RICHARD A. COWEN
Secretary
 MARISEL A. HERNANDEZ
 LANCE GOUGH
Executive Director



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 E-mail Address: CBOE@CHICAGOELECTIONS.COM

Histories for 19363FM - HAROLD NOONIE WARD

Election Date	Party	Voting Method
03/18/2014	Democratic	Early Voting
04/09/2013	Voted in Non-Primary Election	In Precinct
02/26/2013	Democratic	Early Voting
11/06/2012	Voted in Non-Primary Election	Early Voting
03/20/2012	Republican	Early Voting
02/22/2011	Voted in Non-Primary Election	In Precinct
11/02/2010	Voted in Non-Primary Election	Early Voting
02/02/2010	Democratic	Early Voting
11/04/2008	Voted in Non-Primary Election	In Precinct
02/05/2008	Non-partisan	In Precinct
02/27/2007	Voted in Non-Primary Election	In Precinct
11/07/2006	Voted in Non-Primary Election	In Precinct
03/21/2006	Undetermined	In Precinct
11/02/2004	Voted in Non-Primary Election	In Precinct
03/16/2004	Democratic	In Precinct
02/25/2003	Voted in Non-Primary Election	In Precinct
11/05/2002	Voted in Non-Primary Election	In Precinct
03/19/2002	Democratic	In Precinct

Commissioners
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69 WEST WASHINGTON STREET
CHICAGO, ILLINOIS 60602
(312)269 - 7900
FAX (312)263 - 3649
TTY (312)269 - 0027
WWW.CHICAGOELECTIONS.COM
E-mail Address: CBOE@CHICAGOELECTIONS.NET

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, Lance Gough, Executive Director of the Board of Election Commissioners in the County and State aforesaid and keeper of the records and files of said Board, do hereby certify that the following named person is a registered voter. This individual is currently registered at the address indicated below:

NAME: HAROLD NOONIE WARD
ADDRESS: 602 E 133 ST
CHICAGO, ILLINOIS 60627
REGISTRATION NO: 19363FM

and that a copy of the original registration card and voter change information(if any) is attached,
all of which appears from the records and files of said Board.

IN WITNESS WHEREOF, I have hereunto set my
hand and affixed the Seal of said Board at
my office in the City of Chicago, this
22nd day of July A. D. 2014

LANCE GOUGH
Executive Director

Are you a citizen of the United States or America? (check one) ☐ yes ☐ no
 Will you be at least 18 years of age on or before election day? (check one) ☐ Yes ☐ No
 If you checked "no" in response to either of these questions, then do not complete this form.

19363FM

You can use this form to: (check one) ☐ apply to register to vote in Illinois ☐ change your address ☐ change your name

1. Last Name WARD	First Name HAROLD	Middle Name or Initial noonie	Suffix (circle one) Jr. Sr. II III IV
2. Address where you live (House No., Street Name, Apt. No.) 13274 S. Drexel Ave		City/Village/Town Chicago	Zip Code 60627
3. Mailing address (P.O. Box)		City/Village/Town, State	Zip Code
4. Former Registration Address: (Include City and State and Zip Code) 13272 Ellis Chicago Ill. 60627		Former County	5. Former Name: (if changed) HAROLD WARD
6. Date of birth: MM/DD/YY 5-13-62	8. Home telephone number including area code (optional) (312) 217-5944	9. ID number-- check the applicable box and provide the appropriate number <input type="checkbox"/> IL Driver's License or, if none, Sec. of State ID OR <input type="checkbox"/> Last 4 digits of Social Security Number <input type="checkbox"/> I have none of the above-listed identification numbers. ID #: 8496	
7. Sex (circle one) ♂ F			

10. Voter Affidavit -- Read all statements and sign within the box to the right.

I swear or affirm that:

- I am a citizen of the United States;
- I will be at least 18 years old on or before the next election;
- I will have lived in the State of Illinois and in my election precinct at least 30 days as of the date of the next election;
- The information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided false information, then I may be fined, imprisoned, or if I am not a U.S. citizen, deported from or refused entry into the United States.

This is my signature or mark in the box below

Harold noonie ward

Today's Date: **1, 25, 07**

11. If you cannot sign your name, ask the person who helped you fill in this form to print their name, address and telephone number.

Name of person assisting

Full Address

Telephone No.

BEFORE THE ILLINOIS OFFICERS ELECTORAL BOARD

Daniel Flores,)
)
Objector,)
)
vs.) No. 14 SOEB GE 519
)
Harold "Noonie" Ward,)
)
Defendant.)

THE OBJECTION OF HAROLD "NOONIE" WARD TO THE RECOMMENDATION OF
HEARING OFFICER BARBARA GOODMAN

Now comes Harold "Noonie" Ward ("Harold"), the Candidates
herein, and as his objection to the Recommendation of Hearing
Officer, Barbara Goodman ("Goodman"), states as follows:

1. After having overruled Harold's Motion to Strike and
Dismiss the petition filed herein by Daniel Flores
("Daniel"), the Objector herein, Goodman scheduled this
matter for hearing on Daniel's petition.
2. In essence, Daniel claims that Harold is ineligible to
have his name printed on the general election ballot for
the November 4, 2014 general election as an independent
candidate for the office of State Representative because
he voted in the democratic primary election on March 18,
2014.

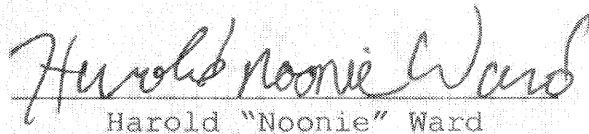
3. Harold submits that: (a) the evidence produced by Daniel at the hearing on the question was received without a proper foundation being laid for receipt of such; (b) even assuming that a proper foundation was laid for the receipt of the evidence submitted by Daniel at the hearing (a fact that Harold does not concede) such evidence does not prove that Harold voted in the March 18, 2014 primary election but merely that the requested a ballot; and, (c) the statute at issue here is unconstitutional in effect because it would preclude a citizen from participation in a public question on the ballot by preventing the opportunity to seek office as an independent candidate.

4. At the hearing Daniel produced no witness but merely proffered two documents, not provided in advance to Harold, which purported to be records from the Chicago Board of Election Commission, which Daniel claims that demonstrate that Harold voted in the March 18, 2014 democratic primary election. The two documents produced are as follows: Harold's registration record purported dated January 25, 2007 and a City of Chicago Application for Early Ballot Voting. Based on these documents and these documents alone, Daniel claims that Harold is not ballot eligible.

5. Assuming that these documents are authentic, Harold submits that they do not prove that he "voted" but, at best he requested a ballot for purposes of early voting. Daniel did not personally appear at the hearing on July 24, 2014 but through counsel, and offered no witness who was placed under oath and affirmatively stated that they saw Harold cast a ballot. Therefore, the documents submitted by Daniel at the hearing should not have been admitted and the objection overruled without any response being required of Harold.
6. Inherent in active phrase *voted a ballot* as expressed in the statute, is the notion that a ballot is cast. If no ballot is cast than a person has not voted. Merely requesting a ballot does not demonstrate that the requestor voted - only that they requested a ballot. Daniel produced no witness at the hearing; therefore, no person testified that Harold voted a ballot.
7. A voted ballot where no selections are made is in fact a voted ballot. Voting for, against or lack of a vote is an expression of speech. However, where a voter's intent is not to participate in the portion of ballot where candidate names appear (a party primary) but select a for or against position on a ballot initiative, a ballot must be requested in order to participate at that level. The

statute in question would deny a voter the opportunity to participate in a ballot initiative if he or she had aspirations to seek election later as an independent candidate. As a result the statute in question is unconstitutional in operation as it would deny an otherwise eligible person that opportunity.

For these reasons Harold submits that the recommendation of the Hearing Officer, Barbara Goodman, should be rejected. Harold further submits that this Electoral Board should overrule Daniel's objection and rule that the name Harold "Noonie" Ward be printed on the November 4, 2014 general election ballot as an independent candidate.


Harold "Noonie" Ward

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO
NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO THE
OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE 29th
REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS

Daniel Flores,)	
)	
Petitioner-Objector,)	
)	
vs.	)	No. 14 SOEBGE 519
)	
Harold "Noonie" Ward,)	
)	
Respondent-Candidate.)	

RESPONDENT-CANDIDATE'S MOTION TO STRIKE THE OBJECTOR'S PETITION

Now comes, Harold "Noonie" Ward ("Harold"), the Respondent-Candidate herein, and as his motion to strike and dismiss the objector's petition filed before this electoral board by Daniel Flores and in support of his motion states as follows:

1. The Petitioner-Objector herein, Daniel Flores ("Daniel"), has filed an objector's petition requesting as relief that Harold's name not be printed on the ballot for election to the Office of Representative in the General Assembly of the 29th Representative District of the State of Illinois.
2. Daniel's objector's petition is legally deficient for a number of reasons.
3. The right to file an objector's petition is governed by Illinois statute as no such right exists at common law. Daniel failed to cite the statutory authority for his petition in his

objector's petition. As a result Daniel's objector's petition should be stricken in total.

4. The numbered paragraph 4. of Daniel's objector's petition alleges the requisite numbers of valid signatures required and other nomination papers requirements but fails to allege that Harold's nomination papers are otherwise deficient in any respect. As such paragraph 4. of Daniel's objector's petition should be stricken.

5. In paragraph 7. of Daniel's objector's petition he makes reference to documents he alleges are attached as Exhibit A. However, Daniel's objector's petition fails to identity any attachment as Exhibit A and therefore any such document should be stricken and not considered incorporated into Daniel's objector's petition.

6. While, not waiving his objection to any of the attachments Daniel claims are part of his objector's petition, Harold alleges none of the attachments is evidence that Harold voted in Democratic Primary Election on March 18, 2014.

WHEREFORE IT IS PRAYED THAT this electoral board will strike and dismiss the objector's petition filed by Daniel Flores against Harold "Noonie" Ward and find that it is legally insufficient and overrule the objection.

Harold "Noonie" Ward

Harold Noonie Ward

Harold "Noonie" Ward
602 E. 133rdst
Chicago, IL 60827
(312) 371-2995

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO
NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO THE
OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE 29th
REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS

Daniel Flores,)	
)	
Petitioner-Objector,)	
)	
v.	)	14 SOEB GE 519
)	
Harold "Noonie" Ward,)	
)	
Respondent-Candidate.)	

RESPONSE TO MOTION TO STRIKE AND DISMISS


NOW COMES, Objector, by and through his attorneys, and in response to the Candidate's Motion to Strike and Dismiss, states as follows:

1. The Candidate's Motion asserts that the Objector's Petition should be dismissed for failure to "cite the statutory authority" for the Objector's Petition. Cand. Motion, ¶ 3.
2. Section 10-8 of the Election Code governs the requirements for an Objector's Petition and provides that an Objector's Petition must "state fully the nature of the objections" to the nomination papers. 10 ILCS 5/10-8.
3. In this case, the Objector's Petition could not possibly state the nature of the objections to the Candidate's nomination papers any more specifically. The Objector's Petition alleges that the Candidate's may not run as an independent candidate in the November, 2014 General Election because he voted in the March, 2014 Democratic Primary Election and cites the specific statutory authority prohibiting his candidacy. 10 ILCS 5/7-43.
4. As a result, the Objector's Petition fully complies with the requirements of

Section 10-8.

WHEREFORE, for the foregoing reasons, the Objector respectfully prays that the Motion to Strike and Dismiss be denied.

Respectfully submitted,
Objector

By:  _____

Michael J. Kasper
222 North LaSalle Street, Suite 300
Chicago, Illinois 60601
312.704.3292
312.368.4944 (fax)

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO
NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO THE
OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE 29th
REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS

Daniel Flores,)	
)	
Petitioner-Objector,)	
)	
v.	)	14 SOEB GE 519
)	
Harold "Noonie" Ward,)	
)	
Respondent-Candidate.)	

NOTICE OF FILING

TO: Harold "Noonie" Ward
Noonied17@gmail.com

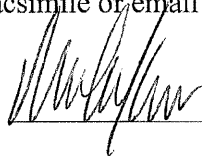
Steve Sandvoss
ssandvoss@elections.il.gov

Bernadette Harrington
bharrington@elections.il.gov

Please take notice that on Firday, July 11, 2014, I filed with the State Officers Electoral Board the attached Response to the Motion to Strike and Dismiss and Request for Subpoena, a copy of which is hereby served upon you.

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that copies of the attached pleading were served upon the parties referenced above by facsimile or email on Friday, July 11, 2014.



Michael J. Kasper
222 N. LaSalle, Suite 300
Chicago, IL 60601
312.704.3292
312.368.4944 (facsimile)

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

BEFORE THE STATE BOARD OF ELECTIONS SITTING AS THE DULY CONSTITUTED
STATE OFFICERS ELECTORAL BOARD


IN THE MATTER OF:)	
)	
Daniel Flores (objector))	
)	
vs.	)	14SOEBGE519
)	
Harold Ward (candidate))	

MOTION TO REQUEST APPROVAL OF A SUBPOENA (DUCES TECUM)

Objector, by and through his attorneys, requests that the General Counsel of the State Board of Elections sitting as the duly constituted State Officers Electoral Board, issue a subpoena (duces tecum) to the Chicago Board of Election Commissioners, for the below listed documents to present evidence bearing upon the above captioned proceeding:

1. A certified copy of the original voter registration card with signature for Harold Ward, residing at 602 E. 133rd St. Chicago, IL 60827.
2. A certified copy of the voting history for the same Harold Ward indicating whether Mr. Ward voted absentee, early, on Election Day, or at all during the 2014 general primary.
3. A copy of the Chicago Board of Election Commissioners Early Voting Election Officials Handbook for the 2014 general primary.

A copy of the subpoena is included.


Michael J. Kasper

Michael J. Kasper
Attorney for the Objector
222 N. LaSalle St. Suite 300
Chicago, IL 60601
(312) 704-3292

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

BEFORE THE STATE BOARD OF ELECTIONS SITTING AS THE DULY CONSTITUTED
STATE OFFICERS ELECTORAL BOARD

IN THE MATTER OF:)
)
 Daniel Flores (objector))
)
vs.) 14SOEBGE519
)
 Harold Ward (candidate))

SUBPOENA (DUCES TECUM)

TO: Chicago Board of Election Commissioners
 69 W. Washington Ste. 800
 Chicago, IL 60602

You (or your authorized representative) are hereby commanded to appear before Barbara Goodman, a duly appointed hearing officer of the State Officers Electoral Board, in the above captioned proceeding on July 16, 2014, at _____p.m./a.m. at the James R. Thompson Center, Suite 14-100, at 100 W. Randolph St., Chicago, IL 60601 pursuant to the provisions of Sections 10-8 through 10-10.1 of the Election Code (10 ILCS 5/10-8 through 10-10.1) and the Rules of Procedure adopted by the State Officers Electoral Board on July 7, 2014, to present evidence bearing upon the proceeding within.

You are commanded to bring the following documents:

1. A certified copy of the original voter registration card with signature for Harold Ward, residing at 602 E. 133rd St. Chicago, IL 60827.
2. A certified copy of the voting history for the same Harold Ward indicating whether Mr. Ward voted absentee, early, on Election Day, or at all during the 2014 general primary.
3. A copy of the Chicago Board of Election Commissioners Early Voting Election Officials Handbook for the 2014 general primary.

Witness, Steven S. Sandvoss, General Counsel, State Board of Elections, this ___ day of _____, 2014.

Steven S. Sandvoss, General Counsel

Michael J. Kasper
Attorney for the Objector
222 N. LaSalle St. Suite 300
Chicago, IL 60601
(312) 704-3292

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, _____ being duly sworn on oath state that I serve this subpoena by
tendering a copy of same to _____ this _____ day of
_____, 2014.

SIGNED AND SWORN TO BY

before me this _____ day of _____, 2014.

The party requesting the issuance of a subpoena shall tender therewith a check reimbursing the witness for the round trip cost of travel between the witness' place of residence and the place where his presence is requested, and for his witness fees in the sum provided for witnesses in civil cases before the courts of Illinois.

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO
NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO THE
OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE 29th
REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS

Daniel Flores,)
)
Petitioner-Objector,)
)
v.)
)
Harold "Noonie" Ward,)
)
Respondent-Candidate.)

2014 JUN 03 PM 2:30
 STATE BOARD OF ELECTIONS

OBJECTOR'S PETITION

INTRODUCTION

Daniel Flores, hereinafter sometimes referred to as the Objector, states as follows:

1. The Objector resides at 15849 Greenwood Road, South Holland, Illinois, Zip Code 60473, in the 29th Representative District of the State of Illinois, and is a duly qualified, legal and registered voter at that address.
2. The Objector's interest in filing this Petition is that of a voter desirous that the laws governing the filing of nomination papers for the office of Representative in the General Assembly for the 29th Representative District of the State of Illinois are properly complied with, and that only qualified candidates appear on the ballot for said office.

OBJECTIONS

3. The Objector makes the following objections to the purported nomination papers ("Nomination Papers") of Harold "Noonie" Ward as a candidate for the office of Representative in the General Assembly for the 29th Representative District of the State of Illinois ("Office") to be voted for at the General Election on November 4, 2014 ("Election"). The Objector states that the Nomination Papers are insufficient in fact and law for the following reasons:
4. Pursuant to State law, nomination papers of an independent candidate (or a new political party candidate) for the Office to be voted for at the Election must contain the signatures of not fewer than 2,574 duly qualified, registered and legal voters of the 29th Representative District of the State of Illinois collected in the manner prescribed by law. In addition, nomination papers must truthfully allege the qualifications of the candidate, be gathered and presented in the manner

2014 JUN 03 PM 4:02

C. J. V. 11/2

provided for in the Illinois Election Code, and otherwise executed in the form provided by law. The Nomination Papers purport to contain the signatures of in excess of 2,574 such voters, and further purport to have been gathered, presented and executed in the manner provided by the Illinois Election Code.

5. The Candidate's Nomination Papers indicate that he is seeking election to the Office as an Independent candidate in the November 4, 2014 General Election.

6. The Candidate voted in the Democratic Party's Primary Election on March 18, 2014, and as a result, he is legally prohibited from running as an Independent candidate in the November 4, 2014 General Election. Section 7-43 of the Illinois Election Code provides:

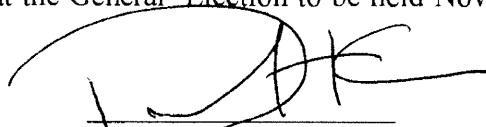
A person (i) who filed a statement of candidacy for a partisan office as a qualified primary voter of an established political party or (ii) who voted the ballot of an established political party at a general primary election may not file a statement of candidacy as a candidate of a different established political party or as an independent candidate for a partisan office to be filled at the general election immediately following the general primary for which the person filed the statement or voted the ballot.

10 ILCS 5/7-43(f)(emphasis added).

7. As established by the Certified Voter Registration document attached hereto and incorporated herein as Exhibit A, the Candidate voted a Democratic Party primary ballot at the March 18, 2014 Primary Election, thereby making himself subject to the express provisions of Section 7-43.

8. Because the Candidate voted in the Democratic Party's primary election, he is legally prohibited from running as Independent candidate in the November 4, 2014 General Election, and as a consequence, his Nomination Papers are invalid in their entirety.

WHEREFORE, the Objector requests: a) a hearing on the objections set forth herein; b) an examination by the aforesaid Electoral Board of the official records relating to voters in the 29th Representative District, to the extent that such examination is pertinent to any of the matters alleged herein; c) a ruling that the Nomination Papers are insufficient in law and fact, and d) a ruling that the name of Harold "Noonie" Ward shall not appear and not be printed on the ballot for election to the office of Representative in the General Assembly of the 29th Representative District of the State of Illinois, to be voted for at the General Election to be held November 4, 2014.



OBJECTOR

Address:
Daniel Flores
15849 Greenwood Road
South Holland, IL 60473

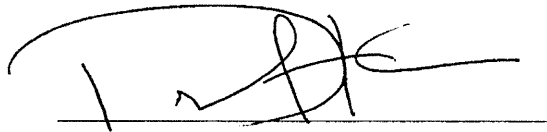
VERIFICATION

STATE OF ILLINOIS

COUNTY OF Cook

)
) SS.
)

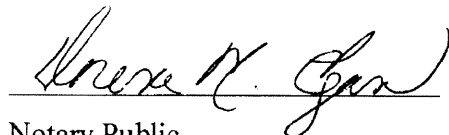
I, Daniel Flores, being first duly sworn upon oath, depose and state that I have read the above and foregoing OBJECTOR'S PETITION, and that the matters and facts contained therein are true and correct to the best of my knowledge and belief.



Subscribed and sworn to before me

By Daniel Flores

this 30th day of June, 2014.



Notary Public



Commissioners
LANGDON D. NEAL
Chairman
RICHARD A. COWEN
Secretary
MARISEL A. HERNANDEZ
LANCE GOUGH
Executive Director



69 WEST WASHINGTON STREET
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E-mail Address: CBOE@CHICAGOELECTIONS.NET

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, Lance Gough, Executive Director of the Board of Election Commissioners in the County and State aforesaid and keeper of the records and files of said Board, do hereby certify that the following named person is a registered voter. This individual is currently registered at the address indicated below;

NAME: HAROLD NOONIE WARD

ADDRESS: 602 E 133 ST
 CHICAGO, ILLINOIS 60627

REGISTRATION NO: 19363FM

and that a copy of the original registration card and voter change information(if any) is attached all of which appears from the records and files of said Board.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board at my office in the City of Chicago, this
20th day of June A. D. 2014

LANCE GOUGH
Executive Director

Commissioners

LANGDON D. NEAL

Chairman

RICHARD A. COWEN

Secretary

MARISEL A. HERNANDEZ

LANCE GOUGH

Executive Director



69 WEST WASHINGTON STREET

CHICAGO, ILLINOIS 60602

(312)269 - 7900

FAX (312)263 - 3649

TTY (312)269 - 0027

WWW.CHICAGOELECTIONS.COM

E-mail Address: CBOE@CHICAGOELECTIONS.COM

Changes for 19363FM - HAROLD NOONIE WARD

Field Name	Old Value	New Value	Date*
sufx	DR	ST	02/21/2014
house_num	11337	602	02/21/2014
street_name	M L KING JR	133	02/21/2014
zipcode	60628	60627	02/21/2014
street_dir	S	E	02/21/2014
street_code	8005	9923	02/21/2014
voter_status	I	A	02/21/2014
reason_id	P	R	02/21/2014
voter_status2	C		02/21/2014
jurisdictions	46 9 2 173432 5	15 9 2 152932 5	02/21/2014
precinct	46	15	02/21/2014
driver_lic_number		6303-5162-137W	02/21/2014
sufx	AV	DR	04/26/2012
house_num	13074	11337	04/26/2012
street_name	DREXEL	M L KING JR	04/26/2012
zipcode	60627	60628	04/26/2012
street_code	2181	8005	04/26/2012
reason_id	N	U	04/26/2012
jurisdictions	24 9 2 152932 5	46 9 2 173432 5	04/26/2012
precinct	24	46	04/26/2012
in_person_ind	Y	N	03/16/2007

Are you a citizen of the United States of America? (check one) ☐ Yes ☐ No
Will you be at least 18 years of age on or before election day? (check one) ☐ Yes ☐ No
If you checked "no" in response to either of these questions, then do not complete this form.

19363FM

You can use this form to: (check one) ☐ apply to register to vote in Illinois ☐ change your address ☐ change your name

1. Last Name WARD	First Name HAROLD	Middle Name or Initial RONIE	Suffix (circle one) Jr. Sr. II III IV
2. Address where you live (House No., Street Name, Apt. No.) 13074 S. Drexel Ave		City/Village/Town Chicago	Zip Code 60627
3. Mailing address (P.O. Box)		City/Village/Town, State	County COOK
4. Former Registration Address: (Include City and State and Zip Code) 13242 Ellis Chicago Ill. 60627		Former County	5. Former Name: (if changed) HAROLD WARD
6. Date of birth: MM/DD/YY 5-13-62	8. Home telephone number including area code (optional) [REDACTED]	9. ID number— check the applicable box and provide the appropriate number <input type="checkbox"/> IL Driver's License or, if none, Sec. of State ID OR <input type="checkbox"/> Last 4 digits of Social Security Number <input type="checkbox"/> I have none of the above-listed identification numbers. ID #: [REDACTED]	
7. Sex (circle one) M			

10. Voter Affidavit — Read all statements and sign within the box to the right.

I swear or affirm that:

- I am a citizen of the United States;
- I will be at least 18 years old on or before the next election;
- I will have lived in the State of Illinois and in my election precinct at least 30 days as of the date of the next election;
- The information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided false information, then I may be fined, imprisoned, or if I am not a U.S. citizen, deported from or refused entry into the United States.

This is my signature or mark in the box below

[REDACTED SIGNATURE]

Today's Date: **1 25 09**

11. If you cannot sign your name, ask the person who helped you fill in this form to print their name, address and telephone number.

Name of person assisting

Full Address

Telephone No.

CHICAGO

Report Incident

Voter

Audit

Country Voter

Voter Data Entry

View Scan

Attach Review

VRN Maint

Main Info	More Info	Challenged	Voting History	Signature	Attachment	Voter Changes
Voter Reg Num 19367M						
Election Date	Party	Voting Method				
03/18/2014	Democratic	Early Voting				
04/09/2013	Voted in Non-Pri	In Precinct				
02/26/2013	Democratic	Early Voting				
11/06/2012	Voted in Non-Pri	Early Voting				
03/26/2012	Republican	Early Voting				
02/22/2011	Voted in Non-Pri	In Precinct				
11/02/2010	Voted in Non-Pri	Early Voting				
02/02/2010	Democratic	Early Voting				
11/04/2008	Voted in Non-Pri	In Precinct				
02/03/2008	Non-partisan	In Precinct				
02/27/2007	Voted in Non-Pri	In Precinct				
12/07/2006	Voted in Non-Pri	In Precinct				
03/21/2006	Undetermined	In Precinct				
11/02/2004	Voted in Non-Pri	In Precinct				
03/16/2004	Democratic	In Precinct				
02/25/2003	Voted in Non-Pri	In Precinct				
11/05/2002	Voted in Non-Pri	In Precinct				
03/19/2002	Democratic	In Precinct				

Tools

**Pavelonis v. Tripp
14 SOEB GE 520**

Candidate: Tabitha Tripp

Office: 118th Representative

Party: Green

Objector: Miki Pavelonis

Attorney for Objector: Michael Kasper/Bret Bender

Attorney for Candidate: Andrew Finko

Number of Signatures Required: 2399

Number of Signatures Submitted: 1713

Number of Signatures Objected to:

Basis of Objection: Candidate failed to submit a sufficient number of valid signatures.

Dispositive Motions: Candidate filed a Motion to Strike and Dismiss and Objectors filed a Response thereto.

Binder Check Necessary: No

Hearing Officer: David Herman

Hearing Officer Findings and Recommendation: Based on the failure to file a sufficient amount of valid signatures, the recommendation is to sustain the objection and not certify the Candidate for the 2014 General Election ballot. In addition, the Candidate's Constitutional arguments should not be addressed by the State Officer's Electoral Board on the basis that the Board lacks the authority to consider such challenges.

Recommendation of the General Counsel: I concur with the recommendation of the Hearing Officer.

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO
NOMINATION PAPERS OF CANDIDATE FOR ELECTION TO THE
OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE 118th
REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS**

Mika Pavelonis,)	
)	
Petitioner-Objector,)	
)	
v.	)	File No. 14 SOEB GE 520
)	
Tabitha Tripp,)	
)	
Respondent-Candidate.)	

RECOMMENDATION OF HEARING EXAMINER

This matter coming on for recommendation on the Verified Objection in this matter and the Hearing Examiner states as follows:

PROCEDURAL HISTORY

This matter commenced on June 30, 2014 when Miki Pavelonis filed an “Objector’s Petition” with the State Board of Elections. Pavelonis (hereinafter “Objector”) alleged that the nomination papers of Tabitha Tripp as a candidate for the Office of Representative in the General Assembly for the 118th Representative District of the State of Illinois (hereinafter “Candidate”) were insufficient in that they were not in conformance with certain provisions of the Illinois Election Code. Specifically, the Objector alleged that the nomination papers, on their face, contain only 1,712 signatures, which is less than the statutorily required minimum 2,399 signatures required for the 118th Representative District.

On July 10, 2014, Candidate submitted her Motion to Strike and Dismiss the Petition stating that the Objector has misstated the amount of signatures required, not fully stated the nature of the objection and has overstated the number of signatures required. Candidate also argues that she has “substantially complied” with the submitting the required number of signatures. Candidate does not set forth any facts, law or argument to support these assertions. Rather, Candidate’s filing focuses on alleged violations of the Illinois and U.S Constitutions. Candidate asserts that she is protected by due process and equal protection in forming a new political party and seeking supporters’ nomination as a candidate for elected office. Candidate also argues that the signature requirement is a violation of the Candidate’s and voters’ constitutional rights, that undue limitations on formation of a new political party is a violation of the First Amendment of the U.S. Constitution, and states that the Candidate has substantially complied with all requirements of all applicable Constitutional provisions and relevant provisions of the Election Code.

On July 11, 2014, the Objector, through her legal counsel, indicated that the parties were unable to reach an agreement to stipulate as to the (1) the total number of signatures required by law to appear on the ballot as a candidate for the office being sought, and (2) the number of signatures submitted by the Candidate in this matter.

On July 11, 2014, Objector submitted his Response to Motion to Strike and Dismiss in which he argues that the Candidate does not dispute that she has failed to comply with the signature requirements and that constitutional arguments regarding Election Code provisions regulating ballot access by new parties and independent candidates have been repeatedly upheld. Lastly, the Objector states that the Electoral Board may not consider such constitutional challenges.

On July 11, 2014, via email, Candidate asserted that the State Board miscalculated the number of signatures required as set forth in the candidates guide.

No hearing was held on this matter.

ANALYSIS

Pursuant to the Illinois Election Code, 10 ILCS 5 et. seq., the statutorily required minimum signatures required to be placed on the ballot as a candidate for the 118th Representative District of the State of Illinois is 2,399. (See Candidate's Guide setting forth the minimum required number of signatures as 2,399.) A review of the Candidate's nomination papers shows that Candidate submitted only 1,713 signatures. The Candidate's nomination papers do not contain the statutorily required minimum number of signatures to be placed on the ballot.

Candidate alleged in her Motion to Strike and Dismiss that the Objection filed is in violation of her rights afforded by the Illinois and U.S. Constitution.¹ As a creature of statute, the Board possesses only those powers conferred upon it by law. Any power or authority it exercises must find its source within the law pursuant to which it was created." Bryant v. Board of Election Commissioners of the City of Chicago, 224 Ill. 2d 473, 476 (2007). "The Electoral Board's authority to do anything must either 'arise from the express language of the statute' or 'devolve by fair implication and intendment from the express provisions of the [statute] as an incident to achieving the objectives for which the [agency] was created.'" Nader v. Illinois State Board of Elections, 2004 Ill. App. LEXIS 1277, *19 (1st Dist. 2004), *citing* Vuagniaux v. Department of Professional Regulation, 208 Ill. 2d 173, 188 (2003).

The Illinois Supreme Court has noted "an election board's scope of inquiry with respect to objections to nomination papers is limited to ascertaining whether those papers comply with the provisions of the Election Code governing such papers." Bryant, at 476. "[E]lection boards are not entitled to assess the constitutionality of Election Code requirements when considering

¹ The Illinois Supreme Court has reaffirmed its support for raising constitutional issues before an administrative agency in Board of Education, Joliet Township High School District No. 204 v. Board of Education, Lincoln Way Community High School District No. 210, where it noted: "Ordinarily, any issue that is not raised before the administrative agency, even constitutional issues that the agency lacks the authority to decide, will be forfeited by the party failing to raise the issue." 231 Ill. 2d 184, 205 (2008).

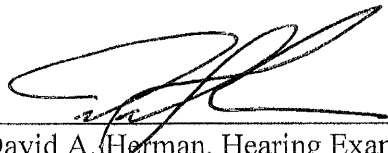
objections to nominating papers. . . .” Goodman v. Ward, 241 Ill.2d 398, 411, 948 N.E.2d 580,589 (2011). Administrative agencies have no authority to declare statutes unconstitutional or even to question their validity. Id.

CONCLUSION

Because Candidate has **NOT** met the minimum signature requirement set forth in the Election Code, the Hearing Examiner recommends that Candidate’s name **NOT** be placed on the ballot as a candidate for the Office of Representative in the General Assembly for the 118th Representative District of the State of Illinois in the General Election to be held on November 4, 2014.

Hearing Examiner further recommends that the Candidate’s and Objector’s constitutional arguments contained in their respective filing and arguments contained in the records should not be considered as this Hearing Examiner and the Electoral Board are without authority to consider such challenges under current Illinois law.

DATED: July 28, 2014



David A. Herman, Hearing Examiner

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OBJECTIONS TO NOMINATION PAPERS FOR
CANDIDATES SEEKING ELECTION AT THE NOVEMBER 4, 2014 GENERAL ELECTION

MIKI PAVELONIS,)	
)	
)	
v.	)	No. 14-SOEB-GE-520
)	
TABITHA TRIPP,)	
)	
)	
Candidate.)	

Motion to Strike and Dismiss

Candidate, Tabitha Tripp, moves to strike and dismiss Objector's petition, for the following reasons.

Objector has not fully stated the nature of the objection, and has misstated the amount of signatures required. Specifically, Objector has overstated the number of signatures required. Candidate has substantially complied with Election Code's 5% requirement of voters from the last election, and submitted a sufficient number of signatures.

The Illinois Constitution, Art. I, Section 2, Due Process and Equal Protection, provides that "*No person shall be deprived of life, liberty or property, without due process of law nor be denied equal protection of the law.*" Candidate has a first amendment right to form a new political party and seek supporters' nomination as a candidate for elected office. Similarly, each of the voters who has signed Candidate's petitions similarly has a first amendment right to form a political party and nominate the candidate of their choice.

It is not the State Officers Electoral Board's role to follow orders from political parties, or their leaders, who act through the pretense of an Objector's petition, as if they are somehow neutral. "The very purpose of the First Amendment is to foreclose public authority from assuming a guardianship of the public mind In this field every person must be his own watchman for truth, because the forefathers did not trust any government to separate the true from the false for us.' *Thomas v. Collins*, 323 U. S. 516, 545 (1945) (Jackson, J., concurring).

"[L]egislative restrictions on advocacy of the election or defeat of political candidates are wholly at odds with the guarantees of the First Amendment." *Buckley v. Valeo*, 424 U. S., at 50. The U.S. Supreme Court, in *Buckley v. Valeo*, expounded on equal protection concerns and state restrictions upon qualifications of candidates, excerpted as follows:

Equal protection analysis in the Fifth Amendment area is the same as that under the Fourteenth Amendment. *Weinberger v. Wiesenfeld*, 420 U.S. 636, 638 n.2 (1975), and cases cited. In several situations concerning the electoral process, the principle has been developed that restrictions on access to the electoral process must survive exacting scrutiny. The restriction can be sustained only if it furthers a "vital" governmental interest, *American Party of Texas v. White*, 415 U.S. 767, 780-781 (1974), that is "achieved by a means that does not unfairly or unnecessarily burden either a minority party's or an individual candidate's equally important interest in the continued availability of political opportunity." *Lubin v. Panish*, 415 U.S. 709, 716 (1974). See *American Party of Texas v. White*, supra, at 780; *Storer v. Brown*, 415 U.S. 724, 729-730 (1974). These cases, however, dealt primarily with state laws requiring a candidate to satisfy certain requirements in order to have his name appear on the ballot. These were, of course, direct burdens not only on the candidate's ability to run for office but also on the voter's ability to voice preferences regarding representative government and contemporary issues.

Buckley v. Valeo, 424 U.S. 1, 93-94, 96 S.Ct. 612 (1976).

D. Cumulative Legislatively Created Burdens on New Parties violates the Constitution.

The cumulative effect of the burdens placed upon new parties, including the 5% signature requirement, within 90 days, attested to under oath before a notary public, and despite decennial redistricting that eliminates all growth of an aspiring political party, unconstitutionally burdens Candidate's constitutional rights, and the rights of all voters who signed petitions desiring to form a new political party.

(1) Candidate's Rights Violated.

It is well-settled that Illinois Courts recognize a strong policy interest in favor of ballot access. The public policy of this state is to provide legitimate candidates for office with access to the ballot, and therefore the citizenry an enhanced ability to participate. *Wisnasky-Bettorf v. Pierce*, 2012 IL 111253; *Hossfeld v. Illinois State Board of Elections*, 398 Ill.App.3d 737 (2010). Courts view the right of citizens to run for and hold political offices a valuable one. *McGuire v. Nogaj*, 146 Ill.App.3d 280 (1st Dist.1986). "Ballot access is a substantial right and not lightly to be denied." *Reyes v. Bloomingdale Township Electoral Board*, 265 Ill.App.3d 69, 71, 638 N.E.2d 782 (2nd Dist.1994), citing *Welch v. Johnson*, 147 Ill.2d 40, 56, 588 N.E.2d 1119 (1992).

As the Illinois Supreme Court cautioned in *Lucas v. Lakin*, 175 Ill.2d 166, 676 N.E.2d 637(1997), "[w]e are mindful of the need to tread cautiously when construing statutory language which restricts the people's right to endorse and nominate the candidate of their choice." The exercise of this right is not to be prohibited or curtailed except by plain provisions of the law, and statutes imposing disqualification should be construed liberally, resolving all doubts in favor of the Candidate's eligibility. *Id.* At 282; *McNamara v. Oak Lawn Municipal Officers Electoral Board*, 356 Ill.App.3d 961, 827 N.E.2d 996 (1st Dist.2005). Given Illinois' strong policy in favor of

ballot access, that statutes imposing disqualification are to be construed liberally, and that all doubts must be resolved in a candidate's favor, there can be no question that the Objector's claims here cannot suffice to disqualify the Candidates in this case.

The right to seek office, as a member of a political party, is protected speech, and any government entity has a heavy burden to justify the restriction on such political speech by showing not only that the limitation achieves a compelling state interest, but also that the limitation is no broader in scope than is necessary to achieve that purpose. See, e.g., *Buckley v. Am. Constitutional Law Found.*, 525 U.S.182 (1999); *Krislov v. Rednour et al.*, 226 F.3d 851 (7th Cir. 2000). In the context of the First Amendment, the Court must be vigilant to guard against undue hindrances to political association and the exchange of ideas. *Buckley*, 525 U.S. at 192; *Eu v. San Francisco County Democratic Cent. Comm.*, 489 U.S. 214, 224 (1989).

To the extent this Electoral Board may interpret the Election Code to prevent the Candidate from access to the ballot under these facts, the Electoral Board will have violated the constitutional rights of not only the named Candidates, but also the constitutional rights of almost voters to form a new political party and nominate the candidates of their choice. For example, the legislature's requirement that each sheet be notarized imposes a significant burden (that is cumulative with other burdens), and is not the least drastic method to achieve their ends, as required. The Illinois Code of Civil Procedure, Section 1-109 (735 ILCS 5/1-109), allows verification under penalty of perjury, without requiring a person to appear before a notary public, and this procedure is acceptable for all court purposes, including affidavits filed in judicial proceedings.

Another example is the 5% signature requirement, which in realistic/practical terms equates to well over 3,000 signatures, likely closer to 5,000, when the Board relaxed standards for Section 10-8 objections are taken into consideration. Any nearly anonymous person, appearing through an attorney, but never being required to actually testify, or offer evidence in support of the objection petition (even at an evidentiary hearing), can file an objection, with little to no supporting factual basis, or penalties for frivolous objections (as the Board often points out, it is without authority). This double standard has proven to be a significant burden on the electoral board, when a considerably larger ratio of objections are filed to the number of candidates (there are many times two objections to a single candidate).

The U.S. Supreme Court has repeatedly recognized that "debate on the qualifications of candidates [is]

integral to the operation of the system of government established by our Constitution." *Buckley v. Valeo*, 424 U.S. 1, 14, 96 S. Ct. 612, 632 (1976). Indeed, the First Amendment "has its fullest and most urgent application" to speech uttered during a campaign for political office. *Monitor Patriot Co. v. Roy*, 401 U.S. 265, 272, 91 S. Ct. 621, 625 (1971). This is because the "election campaign is a means of disseminating ideas as well as attaining political office." *Illinois Bd. of Elections v. Socialist Workers Party*, 440 U.S. 173, 184-186, 99 S. Ct. 983, 990-991 (1979). Undue limitations on formation of a new political party directly hampers the ability of voters to organize and spread a new message and hamstrings voters seeking to inform themselves about the new party, its candidates and the campaign issues. See, e.g., *Eu v. San Francisco County Democratic Central Committee*, 489 U.S. 214, 222, 109 S. Ct. 1013 (1989).

Accordingly, a "highly paternalistic approach" limiting what people may hear is generally suspect, *Virginia State Bd. of Pharmacy v. Virginia Citizens Consumer Council, Inc.*, 425 U.S. 748, 770, 96 S.Ct. 1817 (1976). Here, Objector Karen Yarbrough, and the Democratic Party she represents, are seeking to suppress and restrict choices on the ballot, and stymie public discourse, or alternative messages for saving the State from financial ruin, brought about through widespread nepotism, cronyism and self-dealing.

It is therefore the Objector's burden to demonstrate that invocation of the rule relied on in this case advances a compelling state interest. *Eu v. San Francisco County Democratic Central Committee*, 489 U.S. 214, 222, 109 S.Ct. 1013 (1989). There is clearly no concern about ballot overcrowding, or candidates who have not shown the requisite modicum of support.

Objector cannot advance a credible argument in this case that removal of Candidate from the ballot, based upon the defects of which she complains, somehow advances any compelling state interest. On the contrary, Objector is seeking to suppress discourse, suppress Green Party candidates, and deny voters the choice of more than one or two candidates.

(2) Voters rights to form a new political party violated.

Similarly, the right of citizens to form a political party is a fundamental right of the First Amendment. "Representative democracy in any populous unit of governance is unimaginable without the ability of citizens to band together in promoting among the electorate candidates who espouse their political views. . . . Consistent with this tradition, the Court has recognized that the First Amendment protects 'the freedom to join together in

furtherance of common political beliefs.” *California Democratic Party v. Jones*, 530 U.S. 567, 574, 120 S. Ct. 2402 (2000), citing *Tashjian v. Republican Party of Conn.*, 479 U.S. 208, 214-215, 107 S. Ct. 544 (1986). Accordingly, “[r]estrictions upon the access of political parties to the ballot impinge upon the rights of individuals to associate for political purposes, as well as the rights of qualified voters to cast their votes effectively, and may not survive scrutiny under the First and Fourteenth Amendments.” *Munro v. Socialist Workers Party*, 479 U.S. 189, 193, 107 S. Ct. 533 (1986), citing *Williams v. Rhodes*, 393 U.S. 23, 30, 89 S. Ct. 5, 10 (1968).

To be sure, “[s]tates may condition access to the general election ballot by a minor-party or independent candidate upon a showing of a modicum of support among the potential voters for the office.” *Munro*, 479 U.S. at 193. Thus, courts must engage in a balancing test to weigh the rights of States to condition access to the general election ballot against the rights of citizens to form political parties that can vie for election and the rights of citizens to cast votes effectively for their chosen candidate. As the Supreme Court explained in *Anderson v. Celebrezze*, 460 U.S. 780, 103 S. Ct. 1564 (1983):

Constitutional challenges to specific provisions of a State's election laws therefore cannot be resolved by any ‘litmus-paper test’ that will separate valid from invalid restrictions. Instead, a court must resolve such a challenge by an analytical process that parallels its work in ordinary litigation. It must first consider the character and magnitude of the asserted injury to the rights protected by the First and Fourteenth Amendments that the plaintiff seeks to vindicate. It then must identify and evaluate the precise interests put forward by the State as justifications for the burden imposed by its rule. In passing judgment, the Court must not only determine the legitimacy and strength of each of those interests; it also must consider the extent to which those interests make it necessary to burden the plaintiff's rights. Only after weighing all these factors is the reviewing court in a position to decide whether the challenged provision is unconstitutional.

460 U.S. at 789. (Internal citation omitted.)

Overall, the Court’s “primary concern is with the tendency of ballot access restrictions ‘to limit the field of candidates from which voters might choose.’ Therefore, ‘[i]n approaching candidate restrictions, it is essential to examine in a realistic light the extent and nature of their impact on voters.’” *Anderson*, 460 U.S. at 786. (Internal citation omitted.) Where, as in the case at bar, “the challenged law burdens the rights of political parties and their members, it can survive constitutional scrutiny only if the State shows that it advances a compelling state interest and is narrowly tailored to serve that interest.” *Eu v. San Francisco County Democratic Cent. Committee*, 489 U.S. 214, 222, 109 S.Ct. 1013 (1989). (Internal citation omitted.)

In other words, strict scrutiny applies. To the degree that a State would thwart “the opportunities of all voters to express their own political preferences” by “limiting the access of new parties to the ballot,” the Court

has “called for the demonstration of a corresponding interest sufficiently weighty to justify the limitation.” *Norman v. Reed*, 502 U.S. 279, 288-89, 112 S. Ct. 698 (1992). Further, even where states can show a compelling state interest, they must “adopt the least drastic means to achieve their ends.” *Illinois State Board of Elections v. Socialist Workers Party*, 440 U.S. 173, 185, 99 S. Ct. 983 (1979).

Moreover, allowing Objector's petition to proceed would not serve the purposes of the Election Code, but only serve to deprive Candidates and the new political party they are forming, of their Constitutionally protected rights. A state's broad power to regulate the time, place, and manner of elections "does not extinguish the State's responsibility to observe the limits established by the First Amendment rights of the State's citizens. *Eu v. San Francisco County Democratic Central Committee*, 489 U.S. 214, 222, 109 S.Ct. 1013 (1989). It is well settled that partisan political organizations enjoy freedom of association protected by the First and Fourteenth Amendments. *Id.* Freedom of association means not only that an individual voter has the right to associate with the political party of her choice, but also that a political party has a right to identify the people who constitute the association and to select a "standard bearer who best represents the party's ideologies and preferences. *Id.*

Ballot access laws should be viewed in their totality, not in isolation. *Williams*, 393 U.S. at 34. Considering the total effect of the Election Code, written and consistently modified by the established parties to impose ever greater obstacles on new parties, the combined effect of a five-times higher signature requirement than established parties, collected within a restricted 90 day time, plus the “legal fiction” that has been created by the SOEB to somehow rationalize Section 10-8's ability to file an objection by making bare, and sparse accusations. Nowhere in Section 10-8 is there a requirement that a candidate must submit 2 or 3 times the number of signatures required.

The Election Code provisions, taken as a whole, including the signatures of 5% registered voter signatures, gathered in a 90 day window, with each sheet requiring circulators to individually appear before a notary public and sign an affidavit that is notarized, and the threat of a blanket, unsupported Section 10-8 conclusory objector's petition, et al., taken together, unduly and impermissibly burden Candidates' constitutional rights.

As such, Candidate has substantially complied with all requirements of all applicable Constitutional provisions, and relevant provisions of the Election Code. Candidate has demonstrated a significant level of

support, and filed all necessary nomination papers.

WHEREFORE, Candidates, through counsel, respectfully request entry of an order striking and dismissing Objectors' petition.

Respectfully submitted:

By: 
Attorney for Objector

Vito Mastrangelo
P.O. Box 1253
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Email: VitoAMastrangelo@gmail.com

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Certificate of Filing and Service

The undersigned, an attorney, certifies that he filed and served (via email) upon opposing counsel, Mike Kasper, and the State Officers Electoral Board c/o: Steve Sandvoss, general counsel, a copy of the **Candidates' Motion to Strike and Dismiss**, on July 10, 2014, at or before 5:00 pm.

By: 
Attorney for Objector

Andrew Finko P.C.
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BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO
NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO THE
OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE 118th
REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS

Miki Pavelonis,)	
)	
Petitioner-Objector,)	
)	
v.	)	14 SOEB GE 520
)	
Tabitha Tripp,)	
)	
Respondent-Candidate.)	

RESPONSE TO MOTION TO STRIKE AND DISMISS

NOW COMES, Objector, by and through his attorneys, and in response to the Candidate's Motion to Strike and Dismiss, states as follows:

1. The Candidate's Motion asserts that the Objector's Petition should be dismissed for two reasons. First, the Candidates' allege that the Objector's Petition should be dismissed because the Candidate has "substantially complied" with the minimum signature requirement by filing no more than 1,712 signatures, where a minimum of 2,399 signatures is required. Second, the Motion alleges that the Illinois statutory provisions governing the creation of new political parties are an unconstitutional burden on his First Amendment rights. The Motion should be denied on both grounds.
2. The Candidate does not dispute that he has failed to comply with the requirements of the Election Code regarding the minimum number of signatures required the Election Code. 10 ILCS 5/10-2; 10-3. A candidate whose nomination papers fail to contain the minimum number required by law may not appear on the ballot. *Bowe v. Board of Election Com'rs of City of Chicago*, 614 F.2d 1147 (C.A. 7, 1980).

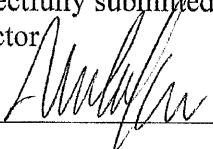
7. The Candidates' next argue that the Election Code provisions governing the creation of new political parties impose an unconstitutional burden on the Candidates' First Amendment rights.

8. The Supreme Court has specifically determined that the Electoral Board may not consider such constitutional issues. *Goodman v. Ward*, 241 Ill.2d 398, 411, 948 N.E.2d 580, 589 (2011)(“election boards are not entitled to assess the constitutionality of Election Code requirements”).

9. Moreover, the Candidate's are incorrect in their constitutional arguments because the Election Code provisions regulating ballot access by new parties and independent candidates have repeatedly been upheld in the face of the same allegations the Candidate's make here. *See Nader v. Keith*, 385 F.3d 729 (C.A. 7, 2004); *Jackson v. Ogilvie*, 325 F. Supp. 864 (D.C Ill., 1971).

WHEREFORE, for the foregoing reasons, the Objector respectfully prays that the Motion to Strike and Dismiss be denied.

Respectfully submitted,
Objector

By:  _____

Michael J. Kasper
222 North LaSalle Street, Suite 300
Chicago, Illinois 60601
312.704.3292
312.368.4944 (fax)

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO
NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO THE
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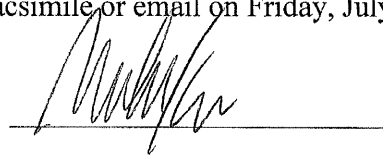
NOTICE OF FILING

TO: Andrew Finko	Steve Sandvoss
finkolaw@fastmail.fm	ssandvoss@elections.il.gov
David Herman	Bernadette Harrington
dherman@giffinwinning.com	bharrington@elections.il.gov

Please take notice that on Friday, July 11, 2014, I filed with the State Officers Electoral Board the attached Response to the Motion to Strike and Dismiss, a copy of which is hereby served upon you.

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that copies of the attached pleading were served upon the parties referenced above by facsimile or email on Friday, July 11, 2014.



Michael J. Kasper
222 N. LaSalle, Suite 300
Chicago, IL 60601
312.704.3292
312.368.4944 (facsimile)

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO
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Miki Pavelonis,)
)
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v.)
)
Tabitha Tripp,)
)
Respondent-Candidate.)

CHICAGO
2014 JUN 30 PM 3:31
STATE BOARD OF ELECTION

OBJECTOR'S PETITION

INTRODUCTION

Miki Pavelonis, hereinafter sometimes referred to as the Objector, states as follows:

1. The Objector resides at 100 W. Sullivan Street, Harrisburg, Illinois, Zip Code 62946, in the 118th Representative District of the State of Illinois, and is a duly qualified, legal and registered voter at that address.
2. The Objector's interest in filing this Petition is that of a voter desirous that the laws governing the filing of nomination papers for the office of Representative in the General Assembly for the 118th Representative District of the State of Illinois are properly complied with, and that only qualified candidates appear on the ballot for said office.

OBJECTIONS


3. The Objector makes the following objections to the purported nomination papers ("Nomination Papers") of Tabitha Tripp as a candidate for the office of Representative in the General Assembly for the 118th Representative District of the State of Illinois ("Office") to be voted for at the General Election on November 4, 2014 ("Election"). The Objector states that the Nomination Papers are insufficient in fact and law for the following reasons:
4. Pursuant to State law, nomination papers for the Office to be voted for at the Election must contain the signatures of not fewer than 2,399 duly qualified, registered and legal voters of the 118th Representative District of the State of Illinois collected in the manner prescribed by law. In addition, nomination papers must truthfully allege the qualifications of the candidate, be gathered and presented in the manner provided for in the Illinois Election Code, and otherwise

executed in the form provided by law. The Nomination Papers purport to contain the signatures of in excess of 2,399 such voters, and further purport to have been gathered, presented and executed in the manner provided by the Illinois Election Code.

5. The Candidate's Nomination Papers are invalid in their entirety because the Candidate's Nomination Papers contain do not contain, on their face, a sufficient number of signatures to qualify for the ballot. Assuming each and every signature contained within the Candidate's Nomination Papers is valid, the Candidate's Nomination Papers would still be hundreds of signatures short of the statutory minimum number necessary to qualify for the ballot.

6. The Candidate's Nomination Papers contain no more that 1,712 signatures, and assuming each and every one of those signatures is valid, the Candidate's Nomination Papers are nonetheless invalid in their entirety.

WHEREFORE, the Objector requests: a) a hearing on the objections set forth herein; b) an examination by the aforesaid Electoral Board of the official records relating to voters in the 118th Representative District, to the extent that such examination is pertinent to any of the matters alleged herein; c) a ruling that the Nomination Papers are insufficient in law and fact. and d) a ruling that the name of Tabitha Tripp shall not appear and not be printed on the ballot for election to the office of Representative in the General Assembly of the 118th Representative District of the State of Illinois, to be voted for at the General Election to be held November 4, 2014.


OBJECTOR

Address:
Miki Pavelonis
100 W. Sullivan Street
Harrisburg, IL 62946

VERIFICATION

STATE OF ILLINOIS

)

) SS.

COUNTY OF Saline

)

I, Miki Pavelonis, being first duly sworn upon oath, depose and state that I have read the above and foregoing OBJECTOR'S PETITION, and that the matters and facts contained therein are true and correct to the best of my knowledge and belief.

Mike Pavelonis

Subscribed and sworn to before me

By Miki Pavelonis

this 27th day of June, 2014.

Christa L. Moore

Notary Public

